

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81204828

Application Number  
(if known): 12757068

Filing date: 2010-04-09

First Named  
Inventor: Andrea Pulskamp

Title: HYBRID HYDROGEN STORAGE SYSTEM AND METHOD USING THE SAME

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Status Statement for Petition to Make Special

Signature /Junqi Hang/

Date 2011-03-04

Name Junqi Hang  
(Print/Typed)

Registration Number 54,615

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,068	04/09/2010	Andrea Pulskamp	81204828	1897
28395 7590 03/28/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER IQBAL, SYED TAHA	
			ART UNIT 1736	PAPER NUMBER
			MAIL DATE 03/28/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Pulskamp et al.	:	DECISION ON PETITION
Application No. 12/757,068	:	TO MAKE SPECIAL UNDER
Filed: 4/9/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204828	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/4/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1736 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Woodard, Emhardt, Moriarty, McNett & Henry LLP  
Roche Diagnostics  
111 Monument circle, Suite 3700  
Indianapolis IN 46204-5137

**MAILED**

**AUG 12 2011**

**OFFICE OF PETITIONS**

Applicant: List et al.  
Appl. No.: 12/757,069  
Filing Date: April 9, 2010  
Title: TEST STRIP DEVICE AND METHOD FOR ANALYZING A BODY FLUID  
Attorney Docket No.: 007404-001083  
Pub. No.: US 2010/0286561 A1  
Pub. Date: November 11, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 14, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,071	04/09/2010	Yukio TSUGE	357607US0CONT	1902
7590 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER	
10/22/2010			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			10/22/2010	ELECTRONIC

[illegible]



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,090	04/09/2010	Yusuke MORITA	XA-11612	1962
7590 02/01/2012 MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			EXAMINER SCARLETT, SHAKA S	
			ART UNIT	PAPER NUMBER
			2829	
			NOTIFICATION DATE	DELIVERY MODE
			02/01/2012	ELECTRONIC

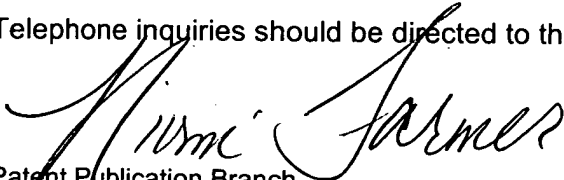
## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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Alexandria, VA 22313-1450  
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LAFKAS LLC  
PO Box 43289  
CINCINNATI OH 45243-0289

**MAILED**

OCT 04 2010

**OFFICE OF PETITIONS**

In re Application of  
Kirby, et al.  
Application No. 12/757,099  
Filed: 9 April, 2010  
Attorney Docket No. 100405np

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DECISION ON PETITION

This is a decision on the petition filed on 27 August, 2010, pursuant to 37 C.F.R. §1.47.

**NOTE:**

Petitioner submitted a copy of a letter dated 19 May, 2010, averred to be from the Counsel representing the non-signing inventor, which letter refers to “a letter and attachments of 4 May, 2010.”

Petitioner did not submit a copy of the 4 May, 2010, letter—thus, it was not possible to confirm from the content of Petitioner’s submission that the reference to “attachments” included a copy of the entire application (description, claims, abstract and drawings).

Petitioner is placed on Notice that:

- The Office has construed Petitioner’s submission to mean that Petitioner has made such inquiries as were necessary to conclude that the “attachments” included a copy of the entire application (description, claims, abstract and drawings) was sent to the non-signing inventor as required by law.
- If Petitioner has not made such inquiries, Petitioner **must** now do so. And
- Should the results of those inquiries by Petitioner indicate to Petitioner that the reference to “attachments” did not include a copy of the entire application (description, claims, abstract and drawings), Petitioner **must** immediately so Notice the Office.



Application No. 12/757,099

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

#### **BACKGROUND**

The record reflects as follows:

The application was deposited on 9 April, 2010, without, *inter alia*, a fully executed oath/declaration

On 28 April, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 27 August, 2010, Petitioner David M. Lafkas (Reg. No. 50,424) submitted, *inter alia*: a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47(a) with fee with statement, and with: an oath/declaration executed by co-inventor Kirby for himself and on behalf of non-signing inventor Peter Anderson (Mr. Anderson).

*As noted above, Petitioner is placed on Notice that:*

- *The Office has construed Petitioner's submission to mean that Petitioner has made such inquiries as were necessary to conclude that the "attachments" included a copy of the entire application (description, claims, abstract and drawings) was sent to the non-signing inventor as required by law.*
- *If Petitioner has not made such inquiries, Petitioner **must** now do so. And*

- *Should the results of those inquiries by Petitioner indicate to Petitioner that the reference to "attachments" did not include a copy of the entire application (description, claims, abstract and drawings), Petitioner **must** immediately so Notice the Office.*

Petitioner appears to provide a showing of the refusal of the non-signing inventor (through his Counsel) to sign/join and provided a showing of diligent effort in demonstrating the reasonably believed to be valid/current/last known address for the non-signing inventor. Petitioner appeared to have provided a showing satisfying the requirements under the Rule to wit: showing/proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor(s) constructively or expressly refused to sign.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/757,099

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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PETER ANDERSON  
27 TOM MUIR DRIVE  
GATE PA  
TAURANGA, 3112  
NEW ZEALAND

**MAILED**

**OCT 04 2010**

**OFFICE OF PETITIONS**

In re Application of  
Kirby, et al.  
Application No. 12/757,099  
Filed: 9 April, 2010  
Attorney Docket No. 100405np

:  
: COMMUNICATION  
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Dear Peter Anderson:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.


Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/757,099

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
LAFKAS LLC  
PO Box 43289  
CINCINNATI OH 45243-0289

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<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,155	04/09/2010	Kiyoshi MUKAIYAMA	SE-US105102	2124
7590 05/02/2011 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			EXAMINER MEIER, STEPHEN D	
			ART UNIT	PAPER NUMBER
			2853	
			MAIL DATE	DELIVERY MODE
			05/02/2011	PAPER

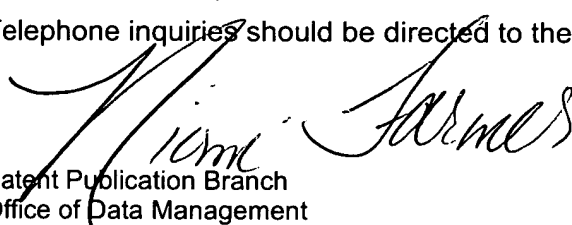
**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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MCCARTHY LAW GROUP  
5830 NORTHWEST EXPRESSWAY, #353  
OKLAHOMA CITY OK 73132

**MAILED**  
**JAN 26 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Rege, Satish Laxmanrao	:	DECISION REFUSING STATUS
Application No. 12/757,279	:	UNDER 37 CFR 1.47(b)
Filed: April 9, 2010	:	
Attorney Docket No. STL13141	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed June 23, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant lacks item (2) set forth above. MPEP 409.03(b)(A) states,

The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b), an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is

being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

As the Declaration submitted with the instant petition was left unsigned, the petition is hereby dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                  Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                  ATTN: Office of Petitions

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions





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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MCCARTHY LAW GROUP**  
**5830 NORTHWEST EXPRESSWAY, #353**  
**OKLAHOMA CITY OK 73132**

**MAILED**

**JUL 21 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Rege, Satish Laxmanrao	:	DECISION REFUSING STATUS
Application No. 12/757,279	:	UNDER 37 CFR 1.47(b)
Filed: April 9, 2010	:	
Attorney Docket No. STL13141	:	

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," filed March 28, 2011.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant continues to lack item (2) set forth above.

Applicant provided a "Signature By Person With Sufficient Proprietary Interest on Behalf of Nonsigning Inventor(s) Who Refuse(s) to Sign (37 CFR 1.47(b))" with the instant petition, which would fulfill item (2) as set forth above. However, 37 CFR 1.4(d)(2)(ii) states:

A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below

or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

The document provided with the instant petition does not include the registration number of the signing individual.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                 Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MCCARTHY LAW GROUP  
5830 NORTHWEST EXPRESSWAY, #353  
OKLAHOMA CITY OK 73132

**MAILED**

NOV 04 2011

**OFFICE OF PETITIONS**

In re Application of	:	
Rege, Satish Laxmanrao	:	
Application No. 12/757,279	:	DECISION GRANTING STATUS
Filed: April 9, 2010	:	STATUS UNDER 37 CFR 1.47(b)
Attorney Docket No. STL13141	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed October 18, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**SATISH LAXMANRAO REGE**  
**4440 MONITOR ROCK LANE**  
**COLORADO SPRINGS, CO 80904**

**MAILED**  
**NOV 04 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Rege, Satish Laxmanrao	:	
Application No. 12/757,279	:	ON PETITION
Filed: April 9, 2010	:	
Attorney Docket No. STL13141	:	

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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**MAILED** Paper No.

NOV 05 2010

**OFFICE OF PETITIONS**

SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

In re Application of :  
Bruce Ha :  
Application No. 12/757,292 : LETTER REGARDING  
Filed: April 9, 2010 : FEE DEFICIENCY PAYMENT  
Atty Docket No. 49672.0117 :

This is in response to the PETITION UNDER 37 C.F.R. 1.28 filed October 1, 2010, notifying the Office of loss of entitlement to small entity status.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

This letter includes an itemization of the fee deficiencies and payment as required by 37 CFR 1.28(c)(2)(ii).

Your notification of a loss of entitlement to small entity status is made of record and your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper No.

SUTHERLAND ASBILL & BRENNAN LLP  
999 PEACHTREE STREET, N.E.  
ATLANTA GA 30309

**MAILED**

**NOV 07 2011**

**OFFICE OF PETITIONS**

In re Application of :  
McGill :  
Application No. 12/757,331 : DECISION ON PETITION  
Filed: April 9, 2010 : PURSUANT TO  
Attorney Docket No.: 15079-0222 : 37 C.F.R. § 1.28(c)  
Title: DIMENSIONALLY-STABILIZED :  
CUSHIONED CARPET TILE AND :  
METHODS OF MANUFACTURE THEREOF :

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on October 31, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of \$993.00 will be charged to Deposit Account No. 19-5029 in due course, as authorized on the second page of this petition.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>1</sup>



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Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 0565448.00272

Application Number  
(if known): 12/757,334

Filing date: 04/09/2010

First Named  
Inventor: Jerome F. Angelilli

Title: Portable Water Treatment Method

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature



Date

15 DEC 2010

Name  
(Print/Typed) Monty L. Ross

Registration Number 28,899

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,334	04/09/2010	Jerome F. Angelilli	0565448.00272	2470
20873 7590 01/18/2011 Locke Lord Bissell & Liddell LLP Attn: Michael Ritchie, Docketing 2200 Ross Avenue Suite # 2200 DALLAS, TX 75201-6776			EXAMINER	
			ART UNIT	PAPER NUMBER
			1773	
			MAIL DATE	DELIVERY MODE
			01/18/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Locke Lord Bissell & Liddell LLP  
Attn: Michael Ritchie, Docketing  
2200 Ross Avenue  
Suite # 2200  
DALLAS TX 75201-6776

01/18/11

In re Application of	:	
Jerome F. Angelilli et al.	:	DECISION ON PETITION
Application No. 12/757,334	:	TO MAKE SPECIAL UNDER
Filed: April 09, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0565448.00272	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,382	04/09/2010	Benjamin Stuart Sparrow	SALT2	2569

6980 7590 03/23/2011  
TROUTMAN SANDERS LLP  
5200 BANK OF AMERICA PLAZA  
600 PEACHTREE STREET, N.E.  
SUITE 5200  
ATLANTA, GA 30308-2216

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
1724	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jim.schutz@troutmansanders.com  
patents@troutmansanders.com  
ellen.walters@troutmansanders.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CST

March 22, 2011

In re application of	:	DECISION ON REQUEST TO
Benjamin Stuart Sparrow et al	:	PARTICIPATE IN PATENT
Serial No. 12/757,382	:	PROSECUTION HIGHWAY
Filed: April 9, 2010	:	PROGRAM AND
For: METHOD AND SYSTEM FOR	:	PETITION TO MAKE SPECIAL
DESALINATING SALTWATER	:	UNDER 37 CFR 1.102(a)
USING CONCENTRATION	:	
DIFFERENCE ENERGY	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed January 25, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO, note where the CIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the CIPO application with similar claims and the CIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the CIPO application(s)
  - b. An English translation of the allowable/ patentable claim(s), if applicable; and
  - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s); and
  - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;

Application No. 12/757,382

(5) Applicant must submit:

- a. Documentation of prior office action:  
a copy of the office action(s) from each of the CIPO application(s) containing the allowable/patentable claims(s);
- b. An English language translation of the CIPO Office action; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the CIPO examiner in the CIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO, note where the CIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the CIPO application with similar claims and the CIPO priority application.

Applicant notes that the present application claims priority to Canadian application 2,699,174, which was filed on April 8, 2010. Note, however, that priority is also claimed to US provisional application 61/168,002, filed April 9, 2009. Accordingly, the United States was the Office of first filing, and a relationship meeting the Notice Regarding Full Implementation of PPH Program between the United States Patent and Trademark Office and the Canadian Intellectual Property Office (signed 21 January 2010), specifically item (1)(a)(i) is not present.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

Application No. 12/757,382

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700

Patent  
Customer No.: 006980  
Docket No.: SALT2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	) Confirmation No. 2569
	)
Benjamin Stuart Sparrow	) Group Art Unit: 1724
	)
Serial No.: 12/757,382	) Examiner:
	)
Filed: 9 April 2010	)
	)
For: <b>METHOD AND SYSTEM FOR DESALINATING</b>	)
<b>SALTWATER USING CONCENTRATION</b>	)
<b>DIFFERENCE ENERGY</b>	)

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT  
PROGRAM AND PRELIMINARY AMENDMENT**

Mail Stop Petitions  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Atlanta, GA 30308-2216  
16 June 2011

Sir:

Prior to examining the above-identified application, please make the following amendments:



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **SALT2** Application Number (if known): **12/757,382** Filing date: **04-09-2010**

First Named Inventor: **Benjamin Stuart Sparrow**

Title: **Method And System For Desalinating Saltwater Using Concentration Difference Energy**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Petition To Make Special Under The Green Technology Pilot Program And Preliminary Amendment

Signature **/Ryan A. Schneider, Reg. #45083/**

Date **06-16-2011**

Name (Print/Typed) **Ryan A. Schneider**

Registration Number **45083**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,382	04/09/2010	Benjamin Stuart Sparrow	SALT2	2569

6980	7590	07/14/2011
TROUTMAN SANDERS LLP		
5200 BANK OF AMERICA PLAZA		
600 PEACHTREE STREET, N.E.		
SUITE 5200		
ATLANTA, GA 30308-2216		

EXAMINER	
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ART UNIT	PAPER NUMBER
1724	

NOTIFICATION DATE	DELIVERY MODE
07/14/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jim.schutz@troutmansanders.com  
patents@troutmansanders.com  
ryan.schneider@troutmansanders.com



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5200 BANK OF AMERICA PLAZA  
600 PEACHTREE STREET, N.E.  
SUITE 5200  
ATLANTA GA 30308-2216

7/14/11

In re Application of	:	
SPARROW, BENJAMIN STUART	:	DECISION ON PETITION
Application No. 12/757,382	:	TO MAKE SPECIAL UNDER
Filed: 04/09/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. SALT2	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1724 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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Sterne, Kessler, Goldstein & Fox P.L.L.C  
1100 New York Avenue, N.W.  
Washington, DC 20005

**MAILED**

NOV 04 2011

In re Patent of Dueppen et al. :  
Patent No. 8,012,354 :  
Issue Date: September 6, 2011 :  
Application No. 12/757, 383 :  
Filing Date: April 9, 2010 :  
Atty. Docket No. 2715.0840005/JUK/JHH :  
Pub. No.: US 2010/0261919 A1 :  
Pub. Date: October 14, 2010 :

**OFFICE OF PETITIONS**

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 6, 2010.

The request is **dismissed as moot**.

A review of the record discloses the application issued as U.S. Patent No. 8,012,354 on September 6, 2011, which is prior to consideration of the present request for reconsideration.

Patentees may wish to consider filing a request for a certificate of correction under the provisions 37 C.F.R. § 1.322 to correct Office errors in the patent, if necessary.

Telephone inquiries regarding this communication may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

**MAILED**  
**MAR 09 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Robert L. Houtz, et al.  
Application No. 12/757,388  
Filed: April 9, 2010  
Attorney Docket No 104072.61256US

ON PETITION

This is a decision in response to the petition, filed January 24, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed April 30, 2010. The notice set a two-month period to respond and required an oath or declaration under 37 CFR 1.63, replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d), a sequence listing as required by 37 CFR 1.821(c), and the requisite surcharge under 37 CFR 1.16(f). A Notice of Abandonment was mailed on December 17, 2010. On January 24, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply, including an executed declaration; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed January 24, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062  
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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 0565448.00278

Application Number  
(if known): 12/757,403

Filing date: 04/09/2010

First Named  
Inventor: Jerome F. Angelilli

Title: Portable Water Treatment System and Apparatus

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

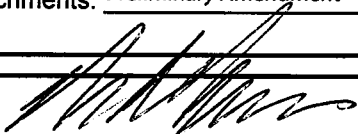
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature



Date

15 DEC 2010

Name  
(Print/Typed) Monty L. Ross

Registration Number 28,899

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,403	04/09/2010	Jerome F. Angelilli	0565448.00278	2624
20873 7590 01/18/2011 Locke Lord Bissell & Liddell LLP Attn: Michael Ritchie, Docketing 2200 Ross Avenue Suite # 2200 DALLAS, TX 75201-6776			EXAMINER DRODGE, JOSEPH W	
			ART UNIT 1772	PAPER NUMBER
			MAIL DATE 01/18/2011	DELIVERY MODE PAPER

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Locke Lord Bissell & Liddell LLP  
Attn: Michael Ritchie, Docketing  
2200 Ross Avenue  
Suite # 2200  
DALLAS TX 75201-6776

11/8/11

In re Application of	:	
Jerome F. Angelilli et al.	:	DECISION ON PETITION
Application No. 12/757,403	:	TO MAKE SPECIAL UNDER
Filed: April 09, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0565448.00278	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244155-1	Application Number (if known): 12757416	Filing date: April 9, 2010
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First Named Inventor: Einar Vaughn LARSEN

Title: TORSIONAL PROTECTION SYSTEM AND METHOD FOR WIND TURBINE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date December 21, 2010
------------------------------	------------------------

Name Douglas D. Zhang (Print/Typed)	Registration Number 37,985
--	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,416	04/09/2010	Einar Vaughn Larsen	244155	2655
7788 7590 01/04/2011 GE ENERGY GENERAL ELECTRIC C/O ERNEST G. CUSICK ONE RIVER ROAD, BLD. 43, ROOM 225 SCHENECTADY, NY 12345			EXAMINER	
			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			01/04/2011	PAPER

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GE ENERGY GENERAL ELECTRIC  
C/O ERNEST G. CUSICK  
ONE RIVER ROAD, BLD. 43, ROOM 225  
SCHENECTADY NY 12345

In re Application of	:	
LARSEN, EINAR VAUGHN	:	DECISION ON PETITION
Application No. 12/757,416	:	TO MAKE SPECIAL UNDER
Filed: April 9, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244155	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed detection processing stage having at least one input obtained from at least one component in the wind turbine and a protection logic stage that compares the energy to a threshold level to get an indication of an amount of the energy that is above a predetermined threshold will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Einar Vaughn LARSEN )  
Confirmation No.: 2655 )  
Serial No.: 12/757,416 )  
Filing Date: April 9, 2010 )  
Atty Docket No.: 244155-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 04 January 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to a system and method for protecting wind turbine generators from undesired torsional oscillations. Distribution-class electrical power lines equipped with a distribution series capacitor are subject to two distinct and potentially damaging phenomena, ferroresonance involving transformers and self-excitation of motors during starting. Power generation sites (e.g., thermal prime movers, induction generators, wind turbines, etc.) are often located very far from load centers. To enable the transmission of power over long distances, the use of series capacitors is often employed to raise the power limits of the resulting long



transmission lines. The series capacitors can cause series-resonant oscillations, which have been known to cause damage to generator shafts. Damage could also be inflicted on wind turbine power transmission and control components. The embodiments disclosed herein provide a system and a method for protecting a wind turbine from torsional oscillations known to cause damage to generator shafts other wind turbine components. Thus the present invention materially contributes to the development of renewable energy by protecting wind turbines from damage that may interrupt the operation of wind turbines, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 20, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244155-1	Application Number (if known): 12757416	Filing date: April 9, 2010
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First Named Inventor: Einar Vaughn LARSEN

Title: TORSIONAL PROTECTION SYSTEM AND METHOD FOR WIND TURBINE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date December 21, 2010
Name Douglas D. Zhang (Print/Typed)	Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,416	04/09/2010	Einar Vaughn Larsen	244155-1	2655
7788 7590 01/31/2011 GE ENERGY GENERAL ELECTRIC C/O ERNEST G. CUSICK ONE RIVER ROAD, BLD. 43, ROOM 225 SCHENECTADY, NY 12345			EXAMINER	
			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			01/31/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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GE ENERGY GENERAL ELECTRIC  
C/O ERNEST G. CUSICK  
ONE RIVER ROAD, BLD. 43, ROOM 225  
SCHENECTADY NY 12345

In re Application of	:	
LARSEN, EINAR VAUGHN	:	DECISION ON PETITION
Application No. 12/757,416	:	TO MAKE SPECIAL UNDER
Filed: April 9, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244155	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Jan. 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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Furman Gregory Deptula  
215 Main Street  
Suite 101  
Biddeford, ME 04005

**MAILED**

**MAR 19 2012**

**OFFICE OF PETITIONS**

In re Application of Kandimalla et al.	:	
Application No. 12/757,425	:	Decision on Petition
Filing Date: April 9, 2010	:	
Attorney Docket No. HYB-023US3	:	

This is a decision on the petition under 37 CFR 1.137(b) filed January 28, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.137(b)."

Background

The application was filed April 9, 2010.

The fees submitted with the application included payment for 10 claims in excess of 20.

An amendment adding claims was filed January 13, 2011.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on March 24, 2011. The notice required the submission of \$220 for one independent claim in excess of three and the submission of \$416 (\$52 X 8) for additional claims in excess of 20. The notice set a two-month extendable period for reply.

The Office did not receive a response to the notice and the application became abandoned on May 25, 2011.

The Office mailed a Notice of Abandonment on November 4, 2011.

The instant petition was filed January 28, 2012. The petition was filed with \$2,460. A fee transmittal sheet indicates:

1. \$400 of the \$2,460 is for the "Petition fee – 37 CFR 1.17(f) (Group I),"
2. \$200 of the \$2,460 is for the "Petition fee – 37 CFR 1.17(g) (Group II)," and
3. \$1,860 of the \$2,460 is for the "Petition-revive unintent. abandoned appl."

#### Discussion

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee, and
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.<sup>1</sup>

The instant petition fails to satisfy requirement (1) set forth above.

An amendment deleting claims has not been filed and the amount of a fee is determined at the time the fee is paid. As a result, the required reply is the submission of \$730, which is the sum of \$250 for one independent claim in excess of three and \$480 for eight claims in excess of twenty.

The \$730 sum was not submitted with the petition and, although the petition states the reply is being filed "in the form of deposit account authorization," the papers filed January 28, 2012, do not authorize the Office to charge the fee to a deposit account.

The \$400 "petition fee" and \$200 "petition fee" filed January 28, 2012, are the Office assumes petitioner would wish for the Office to apply the \$600 to the fees owed. However, even if the \$600 is applied to the outstanding excess claim fees, the sum of \$130 remains due. Therefore, the petition cannot be granted at this time.

Any request for reconsideration should include (1) a request for the Office to apply the \$400 fee and \$200 fee towards the outstanding fees due for excess claims and (2) an additional \$130.<sup>2</sup>

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.<sup>3</sup>  
Document Code "PET.OP" should be used if the request is filed electronically.

---

<sup>1</sup> A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

<sup>2</sup> Petitioner may, in the alternative, submit an amendment deleting an independent claim and seven other claims.

<sup>3</sup> General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300  
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney  
Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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MUNCY, GEISSLER, OLDS & LOWE, PLLC  
4000 LEGATO ROAD  
SUITE 310  
FAIRFAX VA 22033

**MAILED**

**AUG 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Hua et al. :  
Application Number: 12/757,458 :  
Filing or 371(c) Date: 04/09/2010 :  
Attorney Docket Number: 5900/0203PUS1 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission, which is treated under 37 CFR 1.28, filed on July 14, 2011.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

Douglas Wood  
Attorney  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/757,461	Filing date:	04-09-2010
First Named Inventor:	Patrick Lee Faith		
Title of the Invention:	System and Method for Managing Tailored Marketing to Users of Wireless Devices		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/031793

**The international filing date of the corresponding PCT application(s) is/are:** 04-08-2011

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/757,461
First Named Inventor:	Patrick Lee Faith

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

Is attached

☒

Has already been filed in the above-identified U.S. application on 03-01-2012

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

Are attached.

☒

Have already been filed in the above-identified U.S. application on 03-01-2012

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date <u>3/2/12</u>
Name (Print/Typed) <b>Patrick R. Jewik</b>	Registration Number <b>40,456</b>



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**MAR 12 2012**

**OFFICE OF PETITIONS**

**KILPATRICK TOWNSEND &  
STOCKTON LLP/VISA  
TWO EMBARCADERO CENTER, 8<sup>TH</sup>  
FLOOR  
SAN FRANCISCO CA 94111**

**In re Application of  
Patrick Lee Faith et al  
Application No.: 12/757,461  
Filed: April 9, 2010  
Attorney Docket No.: 16222U-079000US  
For: SYSTEM AND METHOD FOR  
MANAGING TAILORED  
MARKETING TO USERS OF  
WIRELESS DEVICES**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)  
:  
:  
:  
:**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on March 2, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Karen Creasy at 571-272-3208.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Diane Goodwyn  
Petitions Examiner  
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,495	Confirmation Number	2817	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-401	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 8029288				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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In re Application of  
William H. Eby

Application No. 12757495

Filed: April 9, 2010

Attorney Docket No. 1421-401

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,495	04/09/2010	William H. Eby	1421-401	2817
32905 7590 07/15/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 15 2011

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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/757,495 : PETITION DECISION  
 Filed: April 9, 2010 :  
 Attorney Docket No.: 1421-401

This is in response to the petition under 37 CFR § 1.59(b), filed July 6, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 6, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,495	04/09/2010	William H. Eby	1421-401	2817
32905 7590 10/20/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 10/20/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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OCT 20 2011

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[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/757,495

Filed: April 9, 2010

Attorney Docket No.: 1421-401

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:  
: PETITION DECISION  
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This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 15, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 6, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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In re Application of  
William H. Eby

Application No. 12757532

Filed: April 9, 2010

Attorney Docket No. 1421-402

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,532	Confirmation Number	2911	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-402	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 8012419				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,532	04/09/2010	William H. Eby	1421-402	2911
32905 7590 07/15/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/757,532 : PETITION DECISION  
 Filed: April 9, 2010 :  
 Attorney Docket No.: 1421-402

This is in response to the petition under 37 CFR § 1.59(b), filed July 6, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 6, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,532	04/09/2010	William H. Eby	1421-402	2911
32905 7590 10/04/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 10/04/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/757,532

Filed: April 9, 2010

Attorney Docket No.: 1421-402

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 6, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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In re Application of  
William H. Eby

Application No. 12757568

Filed: April 9, 2010

Attorney Docket No. 1421-403

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,568	Confirmation Number	2966	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-403	Art Unit	1638	Examiner	Cynthia Collins
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090247				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Decision Date : February 21, 2012

In re Application of :

William Eby

Application No : 12757568

Filed : 09-Apr-2010

Attorney Docket No : 1421-403

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 21, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12757568	
Filing Date	09-Apr-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	CYNTHIA COLLINS	
Attorney Docket Number	1421-403	
Title	Soybean Cultivar S090247	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,568	04/09/2010	William H. Eby	1421-403	2966
26263	7590	03/06/2012	EXAMINER	
SNR DENTON US LLP			COLLINS, CYNTHIA E	
P.O. BOX 061080			ART UNIT	
CHICAGO, IL 60606-1080			PAPER NUMBER	
			1638	
			MAIL DATE	
			DELIVERY MODE	
			03/06/2012	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SNR DENTON US LLP  
 P.O. BOX 061080  
 CHICAGO IL 60606-1080

MAR 06 2012

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/757,568 : PETITION DECISION  
 Filed: April 9, 2010 :  
 Attorney Docket No.: 1421-403

This is in response to the petition under 37 CFR § 1.59(b), filed February 21, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on February 21, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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In re Application of  
William H. Eby

Application No. 12757576

Filed: April 9, 2010

Attorney Docket No. 1421-406

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,576	Confirmation Number	2992	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-406	Art Unit	1638	Examiner	Elizabeth McElwain
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090252				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,576	04/09/2010	William H. Eby	1421-406	2992
32905	7590	11/01/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER MCELWAIN, ELIZABETH F	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/01/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/757,576 : PETITION DECISION  
 Filed: April 9, 2010 :  
 Attorney Docket No.: 1421-406 :

This is in response to the petition under 37 CFR § 1.59(b), filed July 20, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 20, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,576	04/09/2010	William H. Eby	1421-406	2992

32905	7590	11/23/2011
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108		

EXAMINER	
MCELWAIN, ELIZABETH F	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/757,576

Filed: April 9, 2010

Attorney Docket No.: 1421-406

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:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 17, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 20, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,588	Confirmation Number	3018	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-404	Art Unit	1638	Examiner	Cynthia Collins
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 89126133				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
William H. Eby

Application No. 12757588

Filed: April 9, 2010

Attorney Docket No. 1421-404

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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Decision Date : February 9, 2012

In re Application of :

William Eby

Application No : 12757588

Filed : 09-Apr-2010

Attorney Docket No : 1421-404

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 9, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12757588	
Filing Date	09-Apr-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	CYNTHIA COLLINS	
Attorney Docket Number	1421-404	
Title	Soybean Cultivar 89126133	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,588	04/09/2010	William H. Eby	1421-404	3018
26263 7590 02/21/2012 SNR DENTON US LLP P.O. BOX 061080 CHICAGO, IL 60606-1080				
			EXAMINER COLLINS, CYNTHIA E	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 02/21/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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SNR DENTON US LLP  
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 CHICAGO, IL 60606-1080

FEB 21 2012

In re Application of:

William H. Eby

Serial No.: 12/757,588

Filed: April 9, 2010

Attorney Docket No.: 1421-404

: : : : :

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed January 31, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 31, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,609	Confirmation Number	3058	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-405	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 86237173				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12757609

Filed: April 9, 2010

Attorney Docket No. 1421-405

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,609	04/09/2010	William H. Eby	1421-405	3058
32905 7590 10/25/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 10/25/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

**OCT 25 2011**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/757,609

Filed: April 9, 2010

Attorney Docket No.: 1421-405

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:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 29, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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In re Application of  
William H. Eby

Application No. 12757620

Filed: April 9, 2010

Attorney Docket No. 1421-407

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,620	Confirmation Number	3087	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-407	Art Unit	1638	Examiner	Cynthia Collins
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090244				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12757620	
Filing Date	09-Apr-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	CYNTHIA COLLINS	
Attorney Docket Number	1421-407	
Title	Soybean Cultivar S090244	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 26, 2012

In re Application of :

William Eby

Application No : 12757620

Filed : 09-Apr-2010

Attorney Docket No : 1421-407

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 26, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,620	04/09/2010	William H. Eby	1421-407	3087
26263	7590	02/06/2012		
SNR DENTON US LLP P.O. BOX 061080 CHICAGO, IL 60606-1080			EXAMINER COLLINS, CYNTHIA E	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			02/06/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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SNR DENTON US LLP  
 P.O. BOX 061080  
 CHICAGO, IL 60606-1080

FEB 06 2012

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/757,620 : PETITION DECISION  
 Filed: April 9, 2010 :  
 Attorney Docket No.: 1421-407

This is in response to the petition under 37 CFR § 1.59(b), filed January 18, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 18, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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Alexandria, VA 22313-1450  
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HOVEY WILLIAMS LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park KS 66210

MAILED AUG 23 2010

In re Application of: Ontjes et al.  
Application No.: 12/757643  
Filed: April 9, 2010  
Title: Decorative Propane Tank Assembly

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on April 9, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, and 6.1, above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 6.2, 6.3, 6.4, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to “the petition” hereinbelow, the received papers under consideration include the PTO/SB/28 form, the “pre-examination search document” including pages 1-9; the “accelerated examination support document” comprising pages 1-28, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 446, subclass 73, 74, and 77. Also relevant are class 220, subclass 4.22, 691, 694.1, 731, and 739.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat “the independent claims”, nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in “Guidelines for Applicants under the new accelerated examination procedures”):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. The discussion is general and does not clearly point out the



limitation of the claims which correlates to the limitation of the reference. By not addressing all limitations, it is not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, the claims are not addressed with regard to patentability individually with regard to the references. Independent claims 1 and 15 should be addressed separately. Also the claims are not addressed with regard to possible 35 USC 103 rejections. While a limitation may not be taught in one reference, the limitation may still not be patentable when a combination of references is considered. It is noted that the limitations of some of the dependent claims are taught in some reference and should be addressed as to whether they provide separate patentability over all the references. Please note that a statement that the dependent claims are allowable because the independent claims are patentable is not sufficient. This does not provide guidance to the examiner as to whether the limitations could provide patentability should the examiner find the independent claims unpatentable.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, the means plus function elements have not been addressed. If there are none, a statement to such must be made. Additionally, the parent application should be identified by the application number in the table for 35 USC 112 1<sup>st</sup> paragraph support.


### DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.



Linda J. Sholl

Special Programs Examiner  
Technology Center 3700



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MAILED SEP 27 2010

Hovey Williams LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park KS 66210

In re Application of: Ontjes et al.	:	
Application No.: 12/757643	:	DECISION ON PETITION TO
Filed: April 9, 2010	:	MAKE SPECIAL FOR NEW
Title: DECORATIVE PROPANE TANK	:	APPLICATION UNDER 37
ASSEMBLY	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02

This is a decision on the renewed petition filed on September 21, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



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Linda Sholl, Special Programs Examiner  
Technology Center 3700

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/757,647	Confirmation Number	3142	Filing Date	2010-04-09
Attorney Docket Number (optional)	1421-408	Art Unit	1661	Examiner	Anne Marie Grunberg
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 1000679				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
William H. Eby

Application No. 12757647

Filed: April 9, 2010

Attorney Docket No. 1421-408

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,647	04/09/2010	William H. Eby	1421-408	3142
<div>32905      7590      07/25/2011</div> <div>JONDLE &amp; ASSOCIATES, P.C.</div> <div>858 HAPPY CANYON ROAD, SUITE 230</div> <div>CASTLE ROCK, CO 80108</div>				
			<div>EXAMINER</div> <div>KUBELIK, ANNE R</div>	
			<div>ART UNIT</div> <div>1638</div>	<div>PAPER NUMBER</div>
			<div>NOTIFICATION DATE</div> <div>07/25/2011</div>	<div>DELIVERY MODE</div> <div>ELECTRONIC</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 25 2011

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/757,647

Filed: April 9, 2010

Attorney Docket No.: 1421-408

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PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 13, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 13, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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Decision Date : February 15, 2012

In re Application of :

William Eby

Application No : 12757647

Filed : 09-Apr-2010

Attorney Docket No : 1421-408

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 15, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12757647	
Filing Date	09-Apr-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	ANNE KUBELIK	
Attorney Docket Number	1421-408	
Title	Soybean Cultivar 1000679	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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HOGAN LOVELLS US LLP  
IP GROUP, COLUMBIA SQUARE  
555 THIRTEENTH STREET, N.W.  
WASHINGTON DC 20004

**MAILED**

JAN 06 2011

In re Application of  
Richard G. Cartledge et al.  
Application No. 12/757,687  
Filed: April 9, 2010  
Attorney Docket No. 28099-0013 CON

:  
: **OFFICE OF PETITIONS**  
: **DECISION REFUSING STATUS**  
: **UNDER 37 CFR 1.47(a)**  
:

This is in response to the petition filed November 29, 2010 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on April 9, 2010 without an Oath or Declaration. Accordingly, a Notice to File Missing Parts was mailed April 27, 2010 requiring, *inter alia*, a fully executed oath or declaration and a surcharge for its late filing.

In response, the declaration from parent application 12/522,089, signed by joint inventor Fann but not by joint inventors Cartledge and Lee was filed with the instant petition seeking status under 37 CFR 1.47. The evidence presented is that filed in the parent application, which also claimed that joint inventors Cartledge and Lee refused to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

This petition lacks compliance with items (1) and (2).

Pursuant to 37 CFR 1.63:

(d)(1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

(iv) A copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

Unfortunately, status under 37 CFR 1.47(a) cannot be granted using an unexecuted oath or declaration from a prior filed application unless and of course it can be established that status under 37 CFR 1.47(a) was accorded in the prior filed application.

Petitioners have not submitted proof that the instant application has been sent to the non-signing inventors, a fully executed oath or declaration from parent application no. 12/522,089, or a copy of a decision which accorded 37 CFR § 1.47(a) status to the prior application

In view thereof, petitioner's reply, although in response to the Notice mailed April 27, 2010 is incomplete.

The late filing surcharge and petition fee, as well as a five month extension of time request have been charged to deposit account no. 50-1349.

Further correspondence with respect to this matter should be addressed as follows:

By mail:      Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

Application No. 12/757,687

Page 3

By FAX: (571) 273-8300  
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned  
Petitions Attorney at (517) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

**MAILED**

**MAY 12 2011**

**OFFICE OF PETITIONS**

In re Application of  
Richard G. Cartledge et al.  
Application No. 12/757,687  
Filed: April 9, 2010  
Attorney Docket No. 28099-0013 CON

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:  
: DECISION REFUSING STATUS  
: UNDER 37 CFR 1.47(a)  
:

This is in response to the request for reconsideration filed April 7, 2011 under 37 CFR 1.47(a).

The petition is **DISMISSED** as involving moot issues.

Upon application and in accordance with 37 CFR 1.63(d), petitioner submitted a copy of the declaration from parent application 12/522,089, filed April 9, 2010, of which the instant application is a continuation, signed by joint inventor Fann but not by joint inventors Cartledge and Lee. Accordingly, a Notice to File Missing Parts was mailed April 27, 2010 requiring, *inter alia*, a fully executed oath or declaration and a surcharge for its late filing. As well, a petition to accord status under 37 CFR 1.47 was filed in the parent application as not all of the joint inventors had executed the oath or declaration. As it was sufficiently shown that joint inventors Cartledge and Lee refused to join in with the filing of that application, the petition pursuant to 37 1.47(a), filed October 4, 2010 was granted in a decision mailed November 23, 2010. Furthermore, a copy of the decision, mailed November 23, 2010, granting a petition to accord § 1.47(a) status to the prior application has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as involving moot issues. As no petition fee is necessary, deposit account no. 50-1349 has been credited in the amount of \$200.00.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.



Additionally, however, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

After this decision is mailed, the matter will be referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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In re Application of  
Joseph Paul Gonzales

Application No. 12757728

Filed: April 9, 2010

Attorney Docket No. 139/103

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-DEC-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.  
4800 IDS CENTER  
80 SOUTH 8TH STREET  
MINNEAPOLIS MN 55402-2100

MAILED AUG 23 2010

In re Application of: Haines, Timothy G.  
Application No.: 12/757778  
Filed: April 9, 2010  
Title: Femoral Prosthetic Implant

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on April 9, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 6.1, 6.2, 6.3, 6.4 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## Discussion

When referring to “the petition” hereinbelow, the received papers under consideration include the PTO/SB/28 form, the “pre-examination search document” including pages 1-6; the “accelerated examination support document” comprising pages 1-74, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 623, subclass 20.36 and A61B 17/90.

Regarding the requirements of section II element 6.1 outlined above, there is no IDS for the references included in the accelerated examination support document.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat “the independent claims”, nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in “Guidelines for Applicants under the new accelerated examination procedures”):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, there is no supplemental AESD for the references found in the IDS filed on April 12, 2010 thus the limitations of the claims have not been discussed relative to all

references. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, patentability has not been discussed relative to the references in the IDS filed on April 12, 2010.

Additionally, a statement that the dependent claims are allowable because the independent claims are patentable is not sufficient. This does not provide guidance to the examiner as to whether the limitations could provide patentability should the examiner find the independent claims unpatentable.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, the showing of support is described by paragraph numbers wherein the specification has only line numbers therefore there is no clear description of where the support is find. The AESD must use page and line numbers unless the specification is changed to identify paragraph numbers. In addition, a statement was made that the specifications of the priority documents were substantially the same to the specification of the present application,

however, upon review the current application has 67 pages of specification while application 10/756817 has 50 pages of specification and application 09/799325 has 14 pages of specification. It is not clear how they are substantially the same when the number of pages differs by a substantial amount. It appears a separate showing of support should be made in the specifications of 10/756817 and 09/799325.

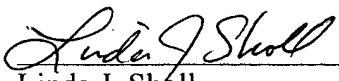
#### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

  
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Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



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MINNEAPOLIS MN 55402-2100

MAILED SEP 27 2010

In re Application of: Timothy G. Haines  
Application No.: 12/757778  
Filed: April 9, 2010  
Title: FEMORAL PROSTHETIC IMPLANT

:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on September 9, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). A supplement to the renewed petition was filed on September 22, 2010.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.



3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



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Linda Sholl, Special Programs Examiner  
Technology Center 3700



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**80 SOUTH 8TH STREET**  
**MINNEAPOLIS, MN 55402-2100**

**MAILED**

**SEP 28 2010**

In re Application of.  
Timothy G. Haines  
Application No. 12/757,778  
Filed: April 9, 2010  
Attorney Docket No. 3293.03US18AE

**OFFICE OF PETITIONS**  
**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	67681-8012.US01	Application Number (if known):	12/757,793 Conf. #3504	Filing date:	April 9, 2010
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First Named Inventor: Robert Hitchcock

Title: LED LAMP ASSEMBLY WITH THERMAL MANAGEMENT SYSTEM

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.


2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

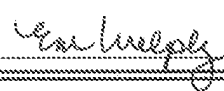
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims

6. Other attachments: Statement of Special Status for Eligibility to Participate in the Green Technology Pilot Program, Preliminary Amendment

Signature		Date	1/14/11
Name (Print/Typed)	Lisa W. Liou	Registration Number	54,275
<small><b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below.</small>			
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).	
Dated: <u>January 14, 2011</u>	Signature:  (Eileen Welply)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 14, 2011

Signature: Eileen Welply

Eileen Welply

Attorney Docket No. 67681-8012.US01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Robert Hitchcock, *et al.*

Application No.: 12/757,793

Confirmation No.: 3504

Filed: April 9, 2010

Art Unit: 2875

For: LED LAMP ASSEMBLY WITH THERMAL  
MANAGEMENT SYSTEM

Examiner: William Joseph Carter

**STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY TO  
PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The applicants request to participate in the Green Technology Pilot Program for the above-identified application. This request is accompanied by the following statements regarding the eligibility requirements:

1. This application should be accorded special status under the Green Technology Pilot Program on the basis that this application materially contributes to the more efficient utilization and conservation of energy resources.

2. This application meets the materiality standards of the Green Technology Pilot Program because the claimed invention, which relates to heat removal assemblies for light emitting diode lighting apparatuses, contributes to the efficient utilization of energy resources. Light emitting diodes operate at high efficiency to produce more light output with less input power, when compared with conventional lighting technologies such as incandescent bulbs and fluorescent lights. However, light emitting diode

lighting apparatuses presently suffer from overheating issues, which impair operational efficiency. The claimed invention addresses these overheating issues and thus will contribute to the adoption of light emitting diode lighting solutions. Therefore this application meets the materiality standards of the Green Technology Pilot Program because the claimed invention contributes to the efficient utilization of energy resources.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 67681-8012.US01 from which the undersigned is authorized to draw.

Dated: 1/14/11

Respectfully submitted,

By Lisa Liou

Lisa W. Liou

Registration No.: 54,275

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(650) 838-4300

(650) 838-4350 (Fax)

Attorney for Applicant



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,793	04/09/2010	Robert Hitchcock	67681-8012.US01	3504
22918	7590	01/20/2011		
PERKINS COIE LLP P.O. BOX 1208 SEATTLE, WA 98111-1208			EXAMINER CARTER, WILLIAM JOSEPH	
			ART UNIT 2875	PAPER NUMBER
			NOTIFICATION DATE 01/20/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com



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P.O. BOX 1208  
SEATTLE WA 98111-1208

In re Application of	:	
HITCHCOCK et al.	:	DECISION ON PETITION
Application No. 12/757,793	:	TO MAKE SPECIAL UNDER
Filed: April 09, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 67681-8012.US01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 14, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

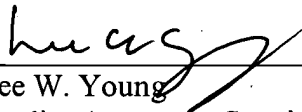


The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status:

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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INTELLECTUAL PROPERTY DEPARTMENT  
1400 WEWATTA STREET  
SUITE 400  
DENVER, CO 80202-5549

**MAILED**  
**FEB 10 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Leland C. Leber, et al.  
Application No. 12/757,797  
Filed: April 9, 2010  
Attorney Docket No.: P188805.US.03

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed December 29, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed September 26, 2011, which set a statutory period for reply of three (3) months. On December 29, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 9, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,740 issue fee and \$300 publication fee; (2) the petition fee of \$1,860; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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ADAMAS PHARMACEUTICALS, INC.  
650 PAGE MILL ROAD  
PALO ALTO CA 94304**

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**OCT 06 2011**

**OFFICE OF PETITIONS**

In re Application of	:
Went et al.	:
Application No. 12/757,819	: DECISION ON PETITION
Filed: April 9, 2010	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 34550-718.301	: AND 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed September 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed applications.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with items (1) and (3) above.

With respect to item (1), petitioner has not included a reference to the requested prior-filed applications in an amendment to the first sentence of the specification following the title on a separate sheet, or an Application Data Sheet as provided by 37 CFR 1.78(a)(5)(iii).

In this regard, the amendment is physically part of the instant petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority) must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject, inquiry or order must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Further, with respect to item (1), a reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, *supra* at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See In re deSeversky*, *supra*. *Note also* MPEP 201.06(c).

With regards to item (3), petitioner has failed to submit a proper unintentional delay statement stating that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition, along with either an amendment to specification on a separate sheet or an ADS deleting the incorporation by reference statement, as well as a proper unintentional delay statement, must be submitted. No further petition fee is necessary.

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop PETITIONS  
                  Commissioner for Patents  
                  Post Office Box 1450  
                  Alexandria, VA 22313-1450

By hand:        Customer Window located at:  
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                  Customer Service Window Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

By fax:         (571) 273-8300  
                  ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions

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ADAMAS PHARMACEUTICALS, INC.  
650 PAGE MILL ROAD  
PALO ALTO CA 94304**

**MAILED**

**DEC 01 2011**

**OFFICE OF PETITIONS**

In re Application of	:
Went et al.	:
Application No. 12/757,819	: DECISION ON PETITIONS
Filed: April 9, 2010	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 34550-718.301	:

This is a decision on the renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 27, 2011 and the supplemental Application Data Sheet filed October 31, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the Amendment filed October 27, 2011 and the Application Data Sheet (ADS) filed October 31, 2011.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

*The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.*

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1627 for consideration by the examiner of the claim under 35 U.S.C. § 120 and 119(e) of the prior-filed nonprovisional and provisional applications.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/757,819	04/09/2010	1627	527	34550-718.301	1	1

CONFIRMATION NO. 3565

## CORRECTED FILING RECEIPT



OC000000051211942

94584

Wilson Sonsini Goodrich & Rosati  
Adamas Pharmaceuticals, Inc.  
650 Page Mill Road  
Palo Alto, CA 94304

Date Mailed: 11/30/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Gregory T. Went, Mill Valley, CA;  
Timothy J. Fultz, Pleasant Hill, CA;  
Seth Porter, San Carlos, CA;  
Laurence R. Meyerson, Las Vegas, NV;  
Timothy S. Burkoth, San Francisco, CA;

### Assignment For Published Patent Application

Adamas Pharmaceuticals, Inc., Emeryville, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 30623

### Domestic Priority data as claimed by applicant

This application is a CON of 12/512,701 07/30/2009  
which is a DIV of 11/285,905 11/22/2005 PAT 7,619,007  
which claims benefit of 60/630,885 11/23/2004  
and claims benefit of 60/635,365 12/10/2004  
and claims benefit of 60/701,857 07/22/2005  
and said 12/512,701 07/30/2009  
is a CIP of 11/399,879 04/06/2006 PAT 8,058,291  
which claims benefit of 60/669,290 04/06/2005  
and is a CIP of 11/285,905 11/22/2005 PAT 7,619,007

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 04/23/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/757,819**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

METHOD AND COMPOSITION FOR ADMINISTERING AN NMDA RECEPTOR ANTAGONIST TO A SUBJECT

**Preliminary Class**

514

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).



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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Wilson Sonsini Goodrich & Rosati  
Adamas Pharmaceuticals, Inc.  
650 Page Mill Road  
Palo Alto CA 94304

**MAILED**

**SEP 16 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Went et al.	:	
Application No. 12/757,824	:	DECISION DISMISSING PETITIONS
Filed: 04/09/2010	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 34550-718.302	:	

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed September 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed nonprovisional Application No. 11/399,879 and provisional application No. 60/669,290.

The petition is DISMISSED

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

First, the Office notes that the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) filed on September 9, 2011, in Application No. 12/512,701, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed nonprovisional Application No. 11/399,879 and provisional application No. 60/669,290 was dismissed by the decision of September 16, 2011. Therefore, as a condition for granting the present petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) in Application No. 12/757,824, applicants must first correct any errors in the prior applications for which benefit is being claimed. Specifically, a decision granting the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) in Application No. 12/512,701 is a pre-requisite for a decision on any renewed petition filed in the present Application No. 12/757,824.

Second, the Office further notes that the amendment included in the present petition as drafted is unacceptable, and therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i). In this regard, the amendment is physically part of the petition, and as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Third, the amendment included in the present petition is not acceptable as drafted because it improperly incorporates by reference prior-filed application Nos. 11/399,879 and 60/669,290.<sup>1</sup> The Office notes that an incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. When a benefit claim is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application unless an incorporation by reference statement of the prior application was presented upon filing of the application. *See Dart Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980); MPEP 201.06(c)(IV), 201.00(III)(f), and 608.04(b).

Fourth, the amendment included in the present petition fails to state the relationship between Application No. 11/399,879 and Application No. 11/285,905. Specifically, the amendment states in pertinent part; "U.S. Application 11/399,879, filed 4/6/2006, which claims priority ... from U.S. Application Ser. No. 11/285,905, filed 11/22/2005, now United States Patent No.

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<sup>1</sup> Applicants may retain the incorporation by reference statement as to Application Nos. 12/512,701, 11/285,905, 60/630,885, 60/635,365 and 60/701,857 because the incorporation by reference statement was present on filing the present application.

7,619,007, issued 11/17/2009”.<sup>2</sup> 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: “This application is a continuation of Application No. 10/---, filed---.” A benefit claim that merely states: “This application claims the benefit of Application No. 10/---, filed---,” does not comply with 37 CFR 1.72(a)(2)(i) because the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP 201.11.

Additionally, the Office notes that the amendment to the specification filed on June 28, 2010, in the present application, and the ADS filed on July 30, 2009, in the Application No. 12/512,701, indicate that Application No. 12/512,701 is a division of Application 11/285,905. However, the amendment included in the present petition states that Application No. 12/512,701 is a continuation-in-part of Application No. 11/285,905. The Office requests that applicants review the relationship between these two applications to ensure that the proper claim under 35 U.S.C. 120 for the benefit of Application No. 11/285,905 is made.

Fifth, the Office notes:

The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: “this application is a continuation of Application No. C, filed -- -, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed---,” then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

MPEP 201.11(III)(C).

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<sup>2</sup> A review of the continuity information in Application No. 11/399,879 indicates that Application No. 11/399,879 is a continuation-in-part of Application No. 11/285,905.

By fax: (571) 273-8300  
ATTN: Office of Petitions

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

*Christina P. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Wilson Sonsini Goodrich & Rosati  
Adamas Pharmaceuticals, Inc.  
650 Page Mill Road  
Palo Alto CA 94304

**MAILED**  
**NOV 15 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Went et al.	:	
Application No. 12/757,824	:	DECISION GRANTING PETITIONS
Filed: 04/09/2010	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 34550-718.302	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed October 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of prior-filed nonprovisional Application No. 11/399,879 and provisional Application No. 60/669,290 set forth in the supplemental Application Data Sheet (ADS) filed October 31, 2011.

The petitions are GRANTED.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The reference must be submitted during the pendency of the later-filed application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications is accepted as being unintentionally delayed.

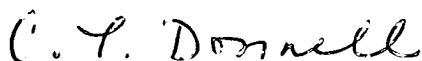
*The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) and under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.*

A corrected Filing Receipt, which includes the claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications, accompanies this decision on petition.

The Office notes that the supplemental ADS submitted on October 27, 2011, is unacceptable and will not be entered because it contains a typographical error. The Office further notes that the supplemental ADS filed on October 31, 2011, corrects this error.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1627 for consideration by the examiner of the claim under 35 U.S.C. 120 and 119(e) of the prior-filed nonprovisional application and provisional application.



Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt





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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/757,824	04/09/2010	1627	967	34550-718.302	7	7

**CONFIRMATION NO. 3581**

## CORRECTED FILING RECEIPT



\*OC000000050930587\*

94584

Wilson Sonsini Goodrich & Rosati  
Adamas Pharmaceuticals, Inc.  
650 Page Mill Road  
Palo Alto, CA 94304

Date Mailed: 11/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Gregory T. Went, Mill Valley, CA;  
Timothy J. Fultz, Pleasant Hill, CA;  
Seth Porter, San Carlos, CA;  
Laurence R. Meyerson, Las Vegas, NV;  
Timothy S. Burkoth, San Francisco, CA;

### Assignment For Published Patent Application

Adamas Pharmaceuticals, Inc., Emeryville, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 30623

### Domestic Priority data as claimed by applicant

This application is a CON of 12/512,701 07/30/2009  
which is a DIV of 11/285,905 11/22/2005 PAT 7,619,007  
and is a CIP of 11/399,879 04/06/2006 PAT 8,058,291  
which claims benefit of 60/669,290 04/06/2005  
and is a CIP of 11/285,905 11/22/2005 PAT 7,619,007  
which claims benefit of 60/630,885 11/23/2004  
and claims benefit of 60/635,365 12/10/2004  
and claims benefit of 60/701,857 07/22/2005

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 04/23/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/757,824**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

METHOD AND COMPOSITION FOR ADMINISTERING AN NMDA RECEPTOR ANTAGONIST TO A SUBJECT

**Preliminary Class**

514

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **PiAC-RJY-0120** Application Number (if known): **12/757,832** Filing date: **04/09/2010**

First Named Inventor: **Frederick W. Piasecki**

Title: **Highly Reliable, Low Cost Wind Turbine Rotor**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

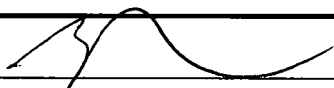
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date **April 20, 2011**

Name (Print/Typed) **Robert J. Yarbrough**

Registration Number **42,241**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application Number : 12/757,832 Confirmation No.: 3615**

**Inventor : Frederick W. Piasecki**

**5 Filing Date : 04/09/2010**

**Title : Highly Reliable, Low Cost Wind Turbine Rotor  
Blade**

**TC/A.U. : 3745**

**Examiner : Look, Edward K.**

**10 Docket Number : PiAC-RJY-0120**

**Customer Number : 27915**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**15**

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PROGRAM**

The Applicant offers the following remarks in support of its petition to make special under the Green Technology Program.

1. Amendments - Begin on page 2

**20** 2. Remarks - Begin on page 13



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,832	04/09/2010	Frederick W Piasecki	PiAC-RJY-0120	3615

38288 7590 05/04/2011  
ROBERT J. YARBROUGH, ATTORNEY AT LAW  
201 NORTH JACKSON STREET  
MEDIA, PA 19063

EXAMINER
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LOOK, EDWARD K

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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05/04/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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ROBERT J. YARBROUGH, ATTORNEY AT LAW  
201 NORTH JACKSON STREET  
MEDIA PA 19063

In re Application of	:	
PIASECKI, FREDERICK W	:	DECISION ON PETITION
Application No12/757,832	:	TO MAKE SPECIAL UNDER
Filed: April 9, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PiAC-RJY-0120	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed April 25, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700





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LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO CA 94303

**MAILED**

**SEP 08 2011**

**OFFICE OF PETITIONS**

In re Application of  
Amir Alon  
Application No. 12/757,843  
Filed: April 9, 2010  
Attorney Docket No. CSTPNZ00202

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Levine Bagade Han, LLP has been revoked by the assignee of the patent application on July 28, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/757,843	04/09/2010	Amir ALON	CSTPNZ00202

**CONFIRMATION NO. 3647**

**POA ACCEPTANCE LETTER**



Date Mailed: 09/07/2011

40518  
LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO, CA 94303

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12757843	
Filing Date	09-Apr-2010	
First Named Inventor	Amir ALON	
Art Unit	1619	
Examiner Name	SUZANNE ZISKA	
Attorney Docket Number	CSTPNZ00202	
Title	DEVICE AND METHOD FOR REDUCING CALORIE INTAKE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">40518</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Paolo Costa	
Address	18 Apollo Road	
City	Tiburon	
State	CA	
Postal Code	94920	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/David A. Levine/
Name	David A. Levine
Registration Number	48821



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 5, 2012

In re Application of :

Amir ALON

Application No : 12757843

Filed : 09-Apr-2010

Attorney Docket No : CSTPNZ00202

DECISION ON REQUEST TO WITHDRAW AS

ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 5, 2012

The request is **APPROVED**.

The request was signed by David A. Levine (registration no. 48821 ) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Customer Number 40518 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Paolo Costa

Name2

Address 1 18 Apollo Road

Address 2

City Tiburon

State CA

Postal Code 94920

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD VA 22116

**MAILED**

**MAR 16 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Wang	:	
Application No.12/757,875	:	ON PETITION
Filed: April 9, 2010	:	
Attorney Docket No. DECP0240USA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to file Corrected Application Papers of a Nonprovisional Application which was mailed on April 27, 2010. The Notice set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 28, 2010. A Notice of Abandonment was mailed on January 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement claims (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

NEW RIVER VALLEY  
INTELLECTUAL PROPERTY LAW  
P.O. BOX 10944  
BLACKSBURG VA 24062

**MAILED**  
**MAY 27 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Davalos, et al. :  
Application No. 12/757,901 : DECISION  
Filed: 9 April, 2010 :  
Attorney Docket No. VTIP-21-09131-US :

This is a decision on the petition filed on 18 January, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

**NOTE:**

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

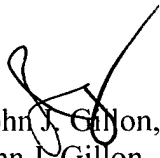
Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88

Application No. 12/757,901

The instant application is released to Technology Center/AU 3737 for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12757943	
Filing Date	09-Apr-2010	
First Named Inventor	Alexander Chaffee	
Art Unit	2453	
Examiner Name	KRISNA LIM	
Attorney Docket Number	668282000100	
Title	TASK HIERARCHY IN AN EVENT-DRIVEN COMMUNICATION SYSTEM	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">20872</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Cohuman Inc.	
Address	632 Commercial Street, 3rd Floor	
City	San Francisco	
State	CA	
Postal Code	66828	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Peter Yim/
Name	Peter Yim
Registration Number	44417



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : November 10,2011

In re Application of :

Alexander Chaffee

Application No : 12757943

Filed : 09-Apr-2010

Attorney Docket No : 668282000100

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 10,2011

The request is **APPROVED**.

The request was signed by Peter Yim (registration no. 44417 ) on behalf of all attorneys/agents associated with Customer Number 20872 . All attorneys/agents associated with Customer Number 20872 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Cohuman Inc.  
Name2  
Address 1 632 Commercial Street, 3rd Floor  
Address 2  
City San Francisco  
State CA  
Postal Code 66828  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/757,964	Filing date:	April 9, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030643

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/757,964
First Named Inventor:	David L. Felker

- ☒

Is attached

7

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.

11

Have already been filed in the above-identified U.S. application on

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,964	04/09/2010	David L. Felker	117439-014UTL	3889

27189	7590	02/14/2011
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP		
525 B STREET		
SUITE 2200		
SAN DIEGO, CA 92101		

EXAMINER	
TRIMIEW, RAEANN	

ART UNIT	PAPER NUMBER
3711	

NOTIFICATION DATE	DELIVERY MODE
02/14/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/757,964	:	PARTICIPATE IN PATENT
Filed: April 9, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-014UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.



With regard to Items #2 and 3, the applicant did not provide a copy of KIPO/PCT positive search opinion indicating claims 1-24 meet novelty, inventive step and industrial applicability. In the claims comparison, the applicant also indicated that these allowed claims by KIPO/PCT in the search opinion correspond to the US claims 1-187 comply of industrial applicability, novelty and inventive steps. The applicant failed to provide a copy of allowable claims 1-23 from the KIPO or PCT Office search opinion of PCT/US2010/030643. Therefore, it is not possible to make comparison whether all pending US claims 1-187 are in fact correspond with the KIPO/PCT allowed claims 1-23. A copy of KIPO/PCT allowed claims 1-23 is required for comparison purpose. The applicant is requested to submit a copy of cited prior art documents in the KIPOPCT search opinion.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing pre-examination processing.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**First Named Inventor:** David L. FELKER

**Group Art Unit:** 3711

**Serial No.:** 12/757,964

**Examiner:** Racann Trimiew

**Filing Date:** April 9, 2010

**Title:** LOW LIFT GOLF BALL

**REQUEST FOR RECONSIDERATION OF DECISION DENYING REQUEST TO  
PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND  
PETITION UNDER 37 C.F.R. §1.102(a)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby respectfully request reconsideration of the Decision dated February 14, 2011 (hereinafter “Decision”) denying Applicants’ request to participate in the Patent Prosecution Highway program and the petition under 37 C.F.R. §1.102(a) filed on February 9, 2011.

In the Decision, Special Programs Examiner Henry Yuen states that the applicant did not provide a copy of the KIPO/PCT positive search opinion indicating that claims 1 to 24 meet PCT requirements for novelty, inventive step, and industrial applicability. In a telephone interview between Examiner Yuen and the undersigned which took place on March 2, 2011, it was pointed out that a copy of the nine page International Search Report and Written Opinion for PCT Application No. PCT/US2010/030643 was submitted with the Request, and is one of the “Documents submitted with 371 Applications” listed in the Image File Wrapper for this application. Page 9 of that document indicates that claims 1 to 187 of the PCT application meet the requirements for novelty, inventive step and industrial applicability. Examiner Yuen checked the file history during the telephone interview and agreed that this document was present and included the required statement of novelty, inventive step, and industrial applicability.

The Decision also stated that a copy of allowable claims 1 to 23 from the KIPO search report/written opinion was required for comparison with the claims of this US application. However, claims 1 to 187 of PCT/US2010/030643 as allowed by KIPO/PCT were also submitted

with the request and are listed as “Claims” in the Image File Wrapper. As stated in the request, all the claims of this U.S. application, specifically claims 1 to 23 are identical to claims 1 to 23 of PCT/US2010/030643 as submitted with the request. Thus, a copy of KIPO/PCT allowed claims 1 to 23 was submitted with the request and can be used for comparison purposes. Additionally, an Information Disclosure Statement listing all documents in the KIPO/PCT search opinion and copies of all cited documents other than US patents/applicants were submitted with the request.

As discussed with Examiner Yuen in the telephone interview, it is believed that the originally filed Request and supporting documents met all the requirements for participation in the PPH program and petition to make special, and reconsideration and reversal of the Decision denying this request is respectfully requested.

Applicants believe there are no fees due in connection with this communication; however, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Procopio’s Deposit Account No. **50-2075**.

Respectfully submitted,

Dated: March 8, 2011

By: /Katherine Proctor/  
Katherine Proctor, Reg. No. 31,468

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B Street, Suite 2200  
San Diego, California 92101  
(619) 238-1900 (Phone)  
(619) 235-0398 (Fax)  
**Customer No. 27189**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/757,964	04/09/2010	David L. Felker	117439-014UTL	3889
27189 7590 03/14/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101				
EXAMINER TRIMIEW, RAEANN				
ART UNIT		PAPER NUMBER		
3711				
NOTIFICATION DATE		DELIVERY MODE		
03/14/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/757,964	:	PARTICIPATE IN PATENT
Filed: April 9, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-014UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 8, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/383 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket Number: **LS00018 US** Application Number (if known): **12/758,000** Filing date: **April 11, 2011**

First Named Inventor: **SANCHEZ-RIERA, Fernando**

Title: **PRODUCTION OF COMMERCIAL BIODIESEL FROM GENETICALLY MODIFIED MICROORGANISMS**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statements of Special Status for the Eligibility Requirements and Preliminary Amendment

Signature

Name  
(Print/Typed)

**Linda R. Judge**

Date

**Sept. 27, 2011**

Registration Number

**42,702**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,000	04/11/2010	Fernando Sanchez-Riera	LS00018 US	3994
80782	7590	11/04/2011		
LS9, Inc. 600 Gateway Boulevard South San Francisco, CA 94080			EXAMINER PO, MING CHEUNG	
			ART UNIT	PAPER NUMBER
			1771	
			NOTIFICATION DATE	DELIVERY MODE
			11/04/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chgpatent@leydig.com  
ljudge@ls9.com





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LS9, Inc.  
600 Gateway Boulevard  
South San Francisco CA 94080

NOV 04 2011

In re Application of	:	
Sanchez-Riera et al.	:	DECISION ON PETITION
Application No. 12/758,000	:	TO MAKE SPECIAL UNDER
Filed: 4/11/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. LS00030 US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/27/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **LS00030US** Application Number (if known): **12/758,001** Filing date: **April 11, 2011**

First Named Inventor: **GAERTNER, Alfred**

Title: **PRODUCTION OF FATTY ACID DERIVATIVES**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

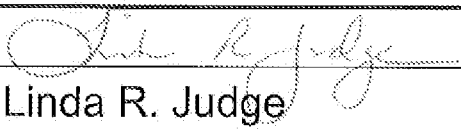
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statements of Special Status for the Eligibility Requirements and Preliminary Amendment

Signature 	Date <b>Sept. 27, 2011</b>
Name (Print/Typed) <b>Linda R. Judge</b>	Registration Number <b>42,702</b>
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,001	04/11/2010	Alfred Gaertner	LS00030 US	3995
80782	7590	11/04/2011	EXAMINER	
LS9, Inc. 600 Gateway Boulevard South San Francisco, CA 94080			PO, MING CHEUNG	
			ART UNIT	PAPER NUMBER
			1771	
			NOTIFICATION DATE	DELIVERY MODE
			11/04/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chgpatent@leydig.com  
ljudge@ls9.com



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LS9, Inc.  
600 Gateway Boulevard  
South San Francisco CA 94080

NOV 04 2011

In re Application of	:	
Gaertner et al.	:	DECISION ON PETITION
Application No. 12/758,001	:	TO MAKE SPECIAL UNDER
Filed: 4/11/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. LS00030 US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/27/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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**THOMAS ROBERT BOYER  
2105 ARROWHEAD FARMS CT.  
GAMBRILLS MD 21054**

**MAILED**

**MAY 19 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Thomas Robert Boyer	:	
Application No. 12/758,004	:	DECISION ON PETITION
Filed: April 11, 2010	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed June 9, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 10, 2010. The Notice of Abandonment was mailed on February 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the substitute specification is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received April 22, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,072	04/12/2010	Arkadiy MORGENSHTEIN	48697	4174
67801 7590 03/13/2012 MARTIN D. MOYNIHAN d/b/a PRTSI, INC. P.O. BOX 16446 ARLINGTON, VA 22215			EXAMINER DO, THUAN V	
			ART UNIT 2825	PAPER NUMBER
			MAIL DATE 03/13/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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March 13, 2012

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON VA 22215

In re Application of	:	
Arkadiy Morgenshtein et al.	:	<b>DECISION ON PETITION</b>
Application No. 12758072	:	
Filed: 4/12/2010	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 48697	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 12, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/  
Office of Data Management  
Publications Branch



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AUG 23 2010

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American Patent Agency PC  
c/o Dāniar Hussain  
230 N Craig Street  
Unit 605  
Pittsburgh PA 15213

In re application of: : **DECISION ON PETITION**  
Jeffery YORK, et al. : **TO MAKE SPECIAL FOR**  
Application No. 12/758,134 : **NEW APPLICATION**  
Filed: April 12, 2010 : **UNDER 37 CFR 1.102**  
For: SYSTEM AND METHOD FOR CARRYING OUT AN INSPECTION OR  
MAINTENANCE OPERATION WITH COMPLIANCE TRACKING USING A  
HANDHELD DEVICE

This is a decision on the petition filed on April 12, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts

in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1, II.5.2, and II.6.3.

As to Condition II.5.1, the instant application is currently classified in Class 705, as is the parent application 12/489,313. Applicant's classification search outlined in the Search Document accompanying the petition only indicates subclasses in Class 340, thus applicant's search must be extended to include Class 705.

Further with respect to Condition II.5.1, while applicant has searched one source of non-patent literature, the Accelerated Examination program has provided search templates indicating relevant non-patent literature sources based on the classification of the application. See the search templates for Class 705-at: <http://www.uspto.gov/web/patents/searchtemplates/class705.htm>

Applicant may satisfy this requirement by employing the recommended non-patent literature sources in an updated search, or by providing a sufficient justification statement explaining that no references more pertinent than those already identified are likely to be found in the eliminated sources.

As to Condition II.5.2, a portion of applicant's text queries in the patent document databases search the literal phrases "inspection tool", "compliance system", "inspection compliance" in only the title, abstract and claims of the patent documents. Such queries are very narrow and would miss many alternates in concepts, synonyms and suffixes, e.g. "hand held device for inspecting", or would miss the exact phrases searched if they only appeared in the body of the document rather than e.g. the title. The remaining patent document queries are also narrow in using "inspection", "code" and "regulation", and "inspection" and "compliance". Note that the features asserted as allowable in the Support Document accompanying the petition use a wider variety of terms (e.g. "standards documents") and are directed at a wider variety of concepts (e.g. associating media samples with scans of tags) than those covered by the search indicated in the Search Document. As explained in II.5.2 the search must encompass all of the features of the claims. Note that this includes the dependent claims as well.

As to Condition II.6.3, the Support Document submitted only discusses claims 1-7, 12, 17-18 and 20 with respect to patentability. This thus leaves open the question of the patentability of dependent claims 8-11, 13-16 and 19 in the event that the independent claims are found unpatentable by the Examiner. As an alternative to explaining the patentability of each dependent claim, applicant may satisfy this requirement by stating that the dependent claims are not seen to be separately patentable from the independent claims.

## DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/8/22/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,134	04/12/2010	Jeffery York	KD-001B	4312

65513	7590	11/16/2010
American Patent Agency PC c/o Daniar Hussain 230 N Craig Street Unit 605 Pittsburgh, PA 15213		

EXAMINER	
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ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
11/16/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

danhussain@gmail.com  
dhussain@alum.mit.edu  
company@american-patent-agency.com



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NOV 15 2010

American Patent Agency PC  
c/o Daniar Hussain  
230 N Craig Street  
Unit 605  
Pittsburgh PA 15213

In re application of: : **DECISION ON PETITION**  
York, Jeffrey, et al. : **TO MAKE SPECIAL FOR**  
Application No.: 12/758,134 : **NEW APPLICATION**  
Filed: April 12, 2010 : **UNDER 37 CFR 1.102**  
For: SYSTEM AND METHOD FOR CARRYING  
OUT AN INSPECTION OR MAINTENANCE  
OPERATION WITH COMPLIANCE  
TRACKING USING A HANDHELD DEVICE

This is a decision on the petition filed on April 12, 2010 and the revised Accelerated Examination Search and Support Documents filed September 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention

will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated



examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

A handwritten signature in black ink, appearing to read 'Robert Weinhardt', is written over a horizontal line.

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/11/12/10

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12758142	Confirmation Number	4329	Filing Date	2010-04-12
Attorney Docket Number (optional)	41957-109414	Art Unit	1637	Examiner	Claytor, Deirdre
First Named Inventor	Joel E. Bernstein				
Title of Invention	METHOD AND COMPOSITIONS FOR TREATMENT OF PAINFUL DISORDERS				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Joel	E.	Bernstein			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Alice O. Martin/		Date (YYYY-MM-DD)	2011-10-11	
Name	Alice O. Martin		Registration Number	35601	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
Joel E. Bernstein

Application No. 12758142

Filed: April 12, 2010

Attorney Docket No. 41957-109414

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,177	04/12/2010	Carlo M. Croce	3589.1012-013	4423
<div>21005      7590      03/29/2012 HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133</div>				
			<div>EXAMINER WEHBE, ANNE MARIE SABRINA</div>	
			<div>ART UNIT 1633</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 03/29/2012</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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March 29, 2012

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD MA 01742-9133

In re Application of	:	
CROCE, CARLO M.	:	<b>DECISION ON PETITION</b>
Application No. 12/758,177	:	
Filed: 04/12/2010	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 3589.1012-013	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 12, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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**MAILED**

OCT 05 2010

**OFFICE OF PETITIONS**

NAVAL RESEARCH LABORATORY  
ASSOCIATE COUNSEL (PATENTS)  
CODE 1008.2  
4555 OVERLOOK AVENUE, S.W.  
WASHINGTON, DC 20375-5320

In re Application of

Matthew Laskoski, et al.

Application No. 12/758,203

Filed: April 12, 2010

Attorney Docket No. 99774-US1

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DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 9, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by applicant Terry M. Keller. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1796 for action on the merits commensurate with this decision.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions





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**MAILED**

**DEC 07 2010**

**OFFICE OF PETITIONS**

HARRINGTON & SMITH  
4 RESEARCH DRIVE, Suite 202  
SHELTON CT 06484-6212

In re Application of	:	
Bamidele, et al.	:	DECISION REFUSING STATUS
Application No. 12/758,297	:	UNDER 37 CFR 1.47(a)
Filed: April 12, 2010	:	
Attorney Docket No. 800.0427.U1(US)	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 30, 2010.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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**MAILED**

**DEC 07 2010**

**OFFICE OF PETITIONS**

Philipp Schlöter  
301 Main St., #4b  
San Francisco, CA 94105

In re Application of  
Bamidele, et al.  
Application No. 12/758,297  
Filed: April 12, 2010

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions

cc: HARRINGTON & SMITH  
4 RESEARCH DRIVE, Suite 202  
SHELTON CT 06484-6212

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12758307	
Filing Date	12-Apr-2010	
First Named Inventor	Takashi Yano	
Art Unit	3653	
Examiner Name	MICHAEL MCCULLOUGH	
Attorney Docket Number	03500.178973.	
Title	SHEET CONVEYING APPARATUS, IMAGE FORMING APPARATUS AND METHOD OF CONTROLLING A SHEET CONVEYING APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Lawrence A Stahl/
Name	Lawrence A. Stahl
Registration Number	30110



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P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 9, 2012

In re Application of :

Takashi Yano

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12758307

Filed : 12-Apr-2010

Attorney Docket No : 03500.178973.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 9, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3653 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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Gowling Lafleur Henderson LLP  
Suite 1600  
1 First Canadian Place  
100 King Street West  
Toronto ON M5X 1G5 CA CANADA

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of  
Richard BOJAHRA et al.  
Application No. 12/758,334  
Filed: April 12, 2010  
Attorney Docket No. T8468970US

DECISION ON PETITION

This is a decision on the petition filed June 28, 2010, under the provisions of 37 CFR 1.59(b), to expunge information from the above identified application, and to have payment of fees refunded.

**Petition to EXPUNGE**

The petition to expunge is **DISMISSED**.

Any request for reconsideration of this decision must include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Petitioner is seeking to have expunged "the Missing Parts Submission and payment of fees dated June 28, 2010." Petitioner states that "[t]he electronic submission was made in error."

On June 28, 2010, the following documents were transmitted via Office's Electronic Filing System (EFS): Drawings, An Oath/Declaration, and a Fee Worksheet. As an initial matter, petitioner should note that while the instant petition identifies the information to be expunged as "the Missing Parts Submission and payment of fees dated June 28, 2010," it is not entirely clear if the petitioner is seeking to have all the documents submitted on June 28, 2010, to be expunged or only some of the documents submitted on that date. In any renewed petition, the information that needs to be expunged has to be clearly identified.

The grant of a petition under 37 CFR 1.59 (b) to expunge information unintentionally submitted in an application will be governed by the factors: (A) the Office can effect such return prior to the

issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included. See MPEP 724.05 (III). The instant petition fails to satisfy the factors (B), (D) and (E).

In regard to factors (B) and (D), the instant petition fails to include a statement that states (a) failure to obtain the return of the information submitted would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and (b) that there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

In regard to item (E), petitioner should note that the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F above, are satisfied, the information will be removed from the official file.

Any request for reconsideration of this decision must include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.**

The \$200 fee required for consideration of the instant petition has been charged to the Deposit Account 07-1750, as authorized.

**Petition for REFUND**

Effective March 10, 2006, the Office may refund the search fee and any excess claims fee paid in an application filed under 35 U.S.C. 111(a) on or after December 8, 2004, **if applicant files a petition under 37 CFR 1.138(d) to expressly abandon the application before an examination has been made of the application.** See MPEP § 711.01. **The basic filing fee, the examination fee, and the application size fee cannot be refunded unless the fee was paid by mistake or in excess of that required.**

The request for refund in the instant petition stands **DISMISSED** as it is not clear whether the fees were paid by mistake or in excess of that required.

Petitioner is encouraged to note MPEP 607.02 which states:

Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund: (1) a fee paid by mistake (e.g., fee paid when no fee is required); or (2) any fee paid in excess of the amount of fee that is required. See *Ex parte Grady*, 59 USPQ 276, 277 (Comm'r Pat. 1943) (the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment).

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

Further correspondence with respect to this matter should be addressed as follows:

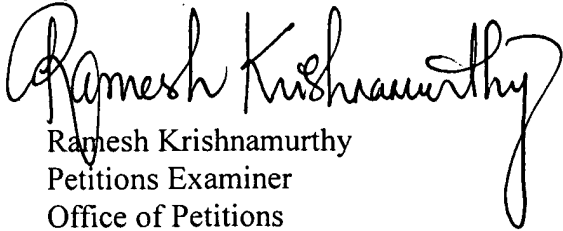
By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.



Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4914.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first name "Ramesh" and last name "Krishnamurthy" clearly distinguishable.

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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GOWLING LAFLEUR HENDERSON LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO ON M5X 1G5 CA CANADA

**MAILED**

OCT 03 2011

In re Application of	:	OFFICE OF PETITIONS
Richard D.K. Bojahra et al	:	
Application No. 12/758,334	:	DECISION ON PETITION
Filed: April 12, 2010	:	TO WITHDRAW
Attorney Docket No. T8468970US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 27, 2011.

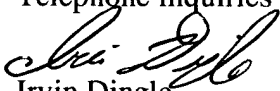
The request is **APPROVED**.

The request was signed by Grant Tisdall on behalf of the practitioners of record associated with Customer Number 26912.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Richard D.K. Bojahra at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Richard D.K. Bojahra  
421 Bently Street, Unit 7  
Markham ON L3R 9T2 CA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/758,334	04/12/2010	Richard D.K. BOJAHRA	T8468970US

**CONFIRMATION NO. 4717**

**POWER OF ATTORNEY NOTICE**



Gowling Lafleur Henderson LLP  
Suite 1600  
1 First Canadian Place  
100 King Street West  
Toronto, ON M5X 1G5  
CANADA

Date Mailed: 10/03/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/758,334	04/12/2010	Richard D.K. BOJAHRA	T8468970US

Richard D.K. Bojahra  
421 Bently Street, Unit 7  
Markham ON, L3R 9T2  
CANADA

**CONFIRMATION NO. 4717**  
**POA ACCEPTANCE LETTER**



Date Mailed: 10/03/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/27/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Docket No. 353370US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: John MULDOON, et al.

SERIAL NO: 12/758,343

EXAMINER: ENIN-OKUT,  
EDU E.

FILED: April 12, 2010

GROUP ART UNIT: 1795

FOR: ELECTROLYTE FOR A MAGNESIUM SULFUR BATTERY

PETITION TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY PILOT PROGRAM

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

The undersigned Petitioners hereby respectfully request that the above-identified patent application be accorded special status and given expedited examination under the green technology pilot program, pursuant to 37 C.F.R. § 1.102, MPEP § 708.02, the Notice in the Federal Register, Vol. 74, No. 234, pp. 64666-64669 (December 8, 2009), and the Notice in the Federal Register, Vol. 75, No. 217, pp. 69049-69050 (November 10, 2010).

The undersigned Petitioners respectfully submit that pursuant to the Notice in the Federal Register dated May 21, 2010, the classification requirement has been *sua sponte* eliminated for any petition to make special under the green technology pilot program that is decided on or after the May 21, 2010 publication date of the Notice. Accordingly, Applicants respectfully submit that no classification must be identified in the present petition.

The undersigned Petitioners respectfully submit that special status is sought for the above-identified patent application because the present invention materially enhances the quality of the environment by reducing air pollution. In particular, the technology of the claimed invention enhances the quality of the environment by providing an alternative to the

internal combustion engine in automobiles and other modes of transportation. The internal combustion engine produces air pollution such as particulate matter, hydrocarbons, nitrogen oxides, carbon monoxide, sulfur dioxide, and other hazardous air pollutants detrimental to the environment. However, battery electric vehicles utilizing the technology of the present invention would not produce harmful emissions. Moreover, the technology of the present invention utilizes materials with less toxicity than lithium ion batteries currently used in battery electric vehicles.

In addition, the technology of the claimed invention aids in energy conservation by reducing the consumption of fossil fuels. In particular, the internal combustion engine requires the combustion of an energy-dense fuel such as gasoline, which is derived from fossil fuels. However, a vehicle utilizing the technology of the claimed invention operates on electric power stored in the battery rather than the combustion of fossil fuels.

Additionally, the technology of the claimed invention encourages the development of renewable energy resources by providing means for the storage of wind, solar, or hydropower energy.

Furthermore, the technology of the claimed invention helps to reduce greenhouse gases by reducing the amount of carbon dioxide emitted by vehicles. In particular, battery electric vehicles do not produce greenhouse gases. However, carbon dioxide is produced during the operation of the internal combustion engine.

The above-identified patent application contains **three** independent and **twenty** total claims.

Applicants hereby request early publication of the above-identified patent application under 37 C.F.R. § 1.219 and MPEP § 1129, and include the requisite publication fee set forth in 37 C.F.R. § 1.18(d).

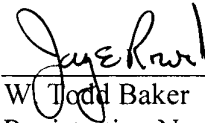
Since the Notice indicates that the fee for the Petition to make special under the green

technology pilot program is *sua sponte* waived, it is believed that no additional fees are required.

Consequently, it is respectfully requested that this Petition be GRANTED, and early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



---

W. Todd Baker  
Registration No. 45,265

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 08/10)

Jay E. Rowe Jr., Ph.D.  
Registration No. 58,948

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket Number: **353370US** Application Number (if known): **12/758,343** Filing date: **April 12, 2010**

First Named Inventor: **John MULDOON**

Title: **ELECTROLYTE FOR A MAGNESIUM SULFUR BATTERY**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

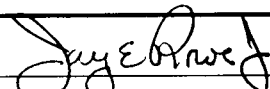
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date

**June 16, 2011**

Name  
(Print/Typed)

**Jay E. Rowe Jr., Ph.D.**

Registration Number

**58,948**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,343	04/12/2010	John MULDOON	353370US71	4732
22850	7590	07/14/2011		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ENIN-OKUT, EDU E	
			ART UNIT 1727	PAPER NUMBER
			NOTIFICATION DATE 07/14/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

7/14/11

In re Application of	:	
MULDOON, JOHN	:	DECISION ON PETITION
Application No. 12/758,343	:	TO MAKE SPECIAL UNDER
Filed: 04/12/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 353370US71	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1727 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**FOLEY HOAG, LLP  
PATENT GROUP, WORLD TRADE  
CENTER WEST  
155 SEAPORT BLVD  
BOSTON MA 02110**

**MAILED**

**AUG 18 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
BOWLIN, et al	:	
Application No. 12/758,360	:	DECISION ON PETITION
Filed: April 12, 2010	:	TO WITHDRAW
Attorney Docket No. OGA-008.02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2011.

The request is **DISMISSED**.

The Request to Withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

According to a review of USPTO records, Virginia Commonwealth University Intellectual Property Foundation is not the current assignee of the above-identified application. In view of above, the Office cannot change the correspondence address to the address indicated on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,378	04/12/2010	Takuma HAYASHI	SE-US105104	4808
EXAMINER				
GRANT II, JEROME				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
04/05/2012		ELECTRONIC		

7590 04/05/2012  
GLOBAL IP COUNSELORS, LLP  
1233 20TH STREET, NW, SUITE 700  
WASHINGTON, DC 20036-2680

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/758,411	Filing date:	2010-04-12
First Named Inventor:	James Crabb		
Title of the Invention:	Sequenced Packing Element System		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2011/030789

**The international filing date of the corresponding  
PCT application(s) is/are:**

2011-03-31

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/758,411
First Named Inventor:	James Crabb

- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on
- 2011-10-25

- ☐ Are attached.
- ☒ Have already been filed in the above-identified U.S. application on 2011-10-25

[illegible]

Signature <u>/Rodney B. Carroll/</u>	Date <u>2011-11-10</u>
Name (Print/Typed) <u>Rodney B. Carroll</u>	Registration Number <u>39,624</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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**HALLIBURTON ENERGY SERVICES, INC.**  
**5601 Granite Parkway, Suite 750**  
**Plano TX 75024**

**MAILED**  
**MAR 14 2012**  
**OFFICE OF PETITIONS**

In re Application of  
James Crabb  
Application No.: 12/758,411  
Filed: April 12, 2010  
Attorney Docket No.: HES 2010-IP-  
030845U1  
For: SEQUENCED PACKING ELEMENT  
SYSTEM

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 10, 2011 and renewed on December 16, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);


- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions



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GRAY ROBINSON  
ATTN: STEFAN V STEIN/ IP DEPT  
201 N FRANKLIN STREET SUITE 2200  
POST OFFICE BOX 3324  
TAMPA FL 33601-3324

**MAILED**  
**JAN 04 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Hansson, et al.	:	
Application No. 12/758,420	:	DECISION REFUSING STATUS
Filed: April 12, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 55115619.56	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 6, 2010.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy item (1).

The petition has provided no statement of facts to support the conclusion that non-signing inventor Hansson could not be reached after diligent effort. Petitioner has stated that he secured the

services of a private investigator to locate Hansson, but that the private investigator was "unable to obtain a signed inventor's declaration from Mr. Hansson". Was Hansson able to be located? Was an oral or written refusal from Hansson obtained? Was a complete copy of the application papers (specification, claims, and drawings) forwarded to the non-signing inventor at his last known address? Petitioner is directed to the Manual of Patent Examining Procedure § 409.03(d), which states:

It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 U.S.P.Q. 80 (Comm'r Pat. 1956).

On renewed petition, petitioner must establish that a copy of the application papers was forwarded to the non-signing inventor. If no response is received from the non-signing inventor, this will be construed as a refusal to sign. However, if the application papers are returned as undeliverable, then petitioner must undertake a search for the non-signing inventor. Any petition under Rule 47 must set forth the steps that were taken to locate the non-signing inventor, and not merely the conclusion that he could not be located.

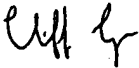
As a petition under Rule 47 requires a petition fee of \$200, that fee has been charged to Deposit Account No. 50-4811, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petitions  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria VA 22313-1450

By FAX:           (571)273-8300  
                  Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

  
Cliff Congo  
Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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GRAY ROBINSON  
ATTN: STEFAN V STEIN/ IP DEPT  
201 N FRANKLIN STREET SUITE 2200  
POST OFFICE BOX 3324  
TAMPA FL 33601-3324

**MAILED**  
**APR 08 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Hansson, et al.	:	
Application No. 12/758,420	:	DECISION ACCORDING STATUS
Filed: April 12, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 55115619.56	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 24, 2011.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Rule 47 applicant has established that inventor Hansson has refused to sign the declaration after having been presented with the application papers. Specifically, applicant has attested that Hansson was e-mailed a copy of the application papers on December 4, 2010, but as of the mail date of the petition, no executed declaration from Hansson has been received.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

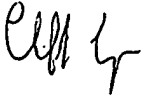
As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Application No. 12/758,420

Page 2

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo", with a stylized flourish at the end.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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MARK HANSSON  
4828 QUEEN PALM TERRANCE NE  
ST PETERSBURG FL 33703

**MAILED**

**APR 08 2011**

**OFFICE OF PETITIONS**

In re Application of  
Hansson, et al.  
Application No. 12/758,420  
Filed: April 12, 2010  
Title: Non-Magnetic Latching Servo  
Actuated Valve

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LETTER

Dear Mr. Hansson:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo  
Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
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**JOHN A. O'TOOLE  
GENERAL MILLS, INC.  
P.O. BOX 1113  
MINNEAPOLIS MN 55440**

**MAILED**

**FEB 27 2012**

**OFFICE OF PETITIONS**

Applicant: James N. Weinstein et al  
Appl. No.: 12/758,441  
Filing Date: April 12, 2010  
Title: METHODS AND APPARATUS FOR PRODUCING MULTIPLE FOOD  
EXTRUDATES  
Attorney Docket: 7291US  
Pub. No.: US 20110250337 A1  
Pub. Date: October 13, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 10, 2011, for the above-identified application.

The request is DISMISSED.

Applicants' requests that the application be republished because the patent application publication contains material errors wherein the claims filed with the application on April 12, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error noted by requestor with respect to the claims is not an Office error. The published claims are the amended claims that Applicants submitted on June 23, 2011. The amended claims replaced the original claims having the terminology indicated in the request. Therefore, since the Office published the claims according to Applicants' amendment, there is no Office error. See MPEP 1130(b).

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).



The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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**CHALKER FLORES, LLP**  
**14951 NORTH DALLAS PARKWAY, SUITE 400**  
**DALLAS TX 75254**

**MAILED**

**JUN 24 2011**

**OFFICE OF PETITIONS**

In re Application:	:	
Robert A. Sinnott	:	
Application No. 12/758,548	:	ON PETITION
Filed: April 12, 2010	:	
Attorney Docket No. MANN:1013	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 25, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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**CHALKER FLORES, LLP**  
**14951 NORTH DALLAS PARKWAY,**  
**SUITE 400**  
**DALLAS TX 75254**

**MAILED**

**JUL 05 2011**

**OFFICE OF PETITIONS**

In re Application of :  
SINNOTT :  
Application No. 12/758,567 :  
Filed: April 12, 2010 :  
Attorney Docket No. MANN:1014 :

**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**CHALKER FLORES, LLP**  
**14951 NORTH DALLAS PARKWAY,**  
**SUITE 400**  
**DALLAS TX 75254**

**MAILED**

**JUL 05 2011**

**OFFICE OF PETITIONS**

In re Application of  
SINNOTT  
Application No. 12/758,581  
Filed: April 12, 2010  
Attorney Docket No. MANN:1015

**NOTICE**


This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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CHALKER FLORES, LLP  
14951 NORTH DALLAS PARKWAY, SUITE 400  
DALLAS, TX 75254

**MAILED**  
**JUN 30 2011**  
**OFFICE OF PETITIONS**

In re Application of: :  
Robert A. Sinnott :  
Application No. 12/758,592 : NOTICE  
Filed: April 12, 2010 :  
Attorney Docket No.: MANN:1016 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed May 31, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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DICKSTEIN SHAPIRO LLP  
1825 EYE STREET, NW  
WASHINGTON, DC 20006

**MAILED**  
**DEC 22 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Fariborz F. Roohparvar  
Application No.: 12/758,595  
Filed: April 12, 2010  
Attorney Docket No.: M4065.1248/P1248-B

ON PETITION

This is a decision on the petition, filed December 21, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on November 17, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2827 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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In re Application of  
Rainer J. Fink

Application No. 12758596

Filed: April 12, 2010

Attorney Docket No. RRT-007

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/758,596	Confirmation Number	5271	Filing Date	2010-04-12
Attorney Docket Number (optional)	RRTS007US0	Art Unit	3736	Examiner	
First Named Inventor	Rainer Fink				
Title of Invention	SYSTEM AND METHOD FOR ACQUIRING AND DISPLAYING ABDOMINAL EMG SIGNALS				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Jack	N	McCrary			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Loren Smith/		Date (YYYY-MM-DD)	2010-03-15	
Name	Loren Smith		Registration Number	60485	



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12758606	
Filing Date	12-Apr-2010	
First Named Inventor	David Thomas	
Art Unit	3718	
Examiner Name	PETER DUNG VO	
Attorney Docket Number	HHTC-0001-P01	
Title	GAME CONTROLLER SIMULATING PARTS OF THE HUMAN ANATOMY	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">43520</span>		
The reason(s) for this request are those described in 37 CFR:  10.40(c)(1)(iv) 10.40(b)(c)(1)(vi) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	HumanHuman Technologies, Inc.	
Address	42 Dane Street	
City	Somerville	
State	MA	

Postal Code	02143
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Paul E. Lewkowicz/
Name	Paul Lewkowicz
Registration Number	44870



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[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 2,2011

In re Application of :

David Thomas

Application No : 12758606

Filed : 12-Apr-2010

Attorney Docket No : HHTC-0001-P01

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 2,2011

The request is **APPROVED**.

The request was signed by Paul Lewkowicz (registration no. 44870 ) on behalf of all attorneys/agents associated with Customer Number 43520 . All attorneys/agents associated with Customer Number 43520 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name HumanHuman Technologies, Inc.

Name2

Address 1 42 Dane Street

Address 2

City Somerville

State MA

Postal Code 02143

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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CHALKER FLORES, LLP  
14951 NORTH DALLAS PARKWAY, SUITE 400  
DALLAS TX 75254

**MAILED**

**AUG 01 2011**

In re Application of  
Sinnott  
Application No. 12/758,611  
Filed: 12 April, 2010  
Attorney Docket No. MANN:1017

**OFFICE OF PETITIONS**

**DECISION**

This is a decision on the petition filed on 27 May, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

**NOTE:**

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (see: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88

Application No. 12/758,611

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as necessary before being released to the Technology Center for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.  
4800 IDS CENTER  
80 SOUTH 8TH STREET  
MINNEAPOLIS MN 55402-2100

**MAILED**

**DEC 15 2010**

**OFFICE OF PETITIONS**

In re Application of :  
DITTMER et al. :  
Application No. 12/758,615 :  
Filed: 04/12/2010 :  
Attorney Docket No. 3156.61US03AE :

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 25, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being referred to the Office of Data Management for issuance of the patent.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

*C.T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**SEP 14 2010**

**OFFICE OF PETITIONS**

TODD S. PARKHURST  
HUGHES SOCOL PIERS RESNICK & DYM LTD.  
THREE FIRST NATIONAL PLAZA  
70 WEST MADISON; SUITE 4000  
CHICAGO IL 60602

In re Application of

Vincent E. BRYAN, Jr. et al.

Application No. 12/758,653

Filed: April 12, 2010

Attorney Docket No. 20063.201105

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a response to the petition under 37 CFR 1.102(c)(1), filed May 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.


The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes evidence that applicants Vincent E. Bryan and Alex E. Kunzler are 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

  
David Bucci  
Petitions Examiner  
Office of Petitions





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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,661	04/12/2010	Hidetoshi Hatakeyama	8073P922	5387

EXAMINER	
CHEN, XIAOLIANG	

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
05/18/2011	PAPER

7590 05/18/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,666	04/12/2010	Takehiko Nanbu	8073P920	5399
EXAMINER				
ART UNIT				
2115				
MAIL DATE				
02/18/2011				
DELIVERY MODE				
PAPER				

7590 02/18/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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Alexandria, VA 22313-1450  
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**ABSOLUTE TECHNOLOGY LAW GROUP LLC**  
**3316 W. Wisconsin Avenue**  
**MILWAUKEE WI 53208**

**MAILED**

**MAR 01 2011**

In re Application of  
Christopher Malone et al.  
Application No. 12/758,678  
Filed: April 12, 2010  
Attorney Docket No. EPSI\_NP\_0310

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**  
**TO WITHDRAW**  
**FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Absolute Technology Law Group, LLC**  
**3316 W. Wisconsin Avenue**  
**Milwaukee, WI 53208**

**MAILED**

**APR 20 2011**

In re Application of  
Christopher Malone et al.  
Application No. 12/758,678  
Filed: April 12, 2010  
Attorney Docket No. EPSI\_NP\_0310

: **OFFICE OF PETITIONS**  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 8, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Absolute Technology Law Group, LLC, has been revoked by the assignee of the patent application on March 17, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Michael Best & Friedrich, LLP  
100 E. Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202



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**JAFARI LAW GROUP, P.C.**  
**801 N. PARKCENTER DRIVE, SUITE 220**  
**SANTA ANA CA 92705**

**MAILED**

**DEC 01 2010**

**OFFICE OF PETITIONS**

In re Application of  
Javad Mehrvijeh  
Application No. 12/758,746  
Filed: April 12, 2010  
Title: Lid Container Apparatus

:  
:  
:  
DECISION ON PETITION  
TO WITHDRAW FROM RECORD  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).


The request was signed by David V. Jafari on behalf of all attorneys of record who are associated with Customer Number 61618.

All attorneys/agents associated with the Customer Number 61618 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Javad Mehrvije  
9070 Irvine Center Drive, Suite 155  
Irvine, CA 92618



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**CHRISTIE, PARKER & HALE, LLP**  
**PO BOX 7068**  
**PASADENA CA 91109-7068**

**MAILED**

**JUN 20 2011**

In re Application of

Freddy Vidal

Application No. 12/758,750

Filed: April 12, 2010

Attorney Docket No. 65216/Q28

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Daniel R. Kimbell, on behalf of all attorneys/agents associated with customer number 23363. All attorneys/agents associated with customer number 23363 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Freddy Vidal  
25070 Avenue Tibbits  
Valencia, CA 91355



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/758,750	04/12/2010	Freddy Vidal	65216/Q28

**CONFIRMATION NO. 5597**

**POWER OF ATTORNEY NOTICE**



OC000000048137721

Date Mailed: 06/10/2011

23363  
CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA, CA 91109-7068

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/13/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101





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**KEITH L. JENKINS, Registered Patent Attorney, LLC**  
**44075 W. Neely Drive**  
**Maricopa AZ 85138**

**MAILED**

**JAN 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
John Bell, et al. :  
Application No. 12/758,765 : **DECISION ON PETITION**  
Filed: April 12, 2010 :  
Attorney Docket No. BE10015 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 30, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/758,781	Filing date:	12 April 2010
First Named Inventor:	Bradley L. TODD		
Title of the Invention:	HIGH STRENGTH DISSOLVABLE STRUCTURES FOR USE IN A SUBTERRANEAN WELL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/efw/efs_help.html">HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US11/31242

**The international filing date of the corresponding PCT application(s) is/are:**

5 April 2011

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/758,781

First Named Inventor: Bradley L. TODD

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 12 January 2012

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 12 January 2012

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5	5	IDENTICAL - written in independent form
6	6	IDENTICAL
7	7	IDENTICAL
8	8	IDENTICAL
9	9	IDENTICAL
10	10	IDENTICAL
11	11	IDENTICAL
16	16	IDENTICAL - written in independent form
17	17	IDENTICAL
18	18	IDENTICAL
19	19	IDENTICAL
20	20	IDENTICAL
21	21	IDENTICAL - written in independent form
22	22	IDENTICAL
25	25	IDENTICAL - written in independent form
26	26	IDENTICAL
27	27	IDENTICAL
28	28	IDENTICAL
29	29	IDENTICAL

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Marlin R. Smith/	Date 01 February 2012
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

XXXXXX

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/758,781

First Named Inventor: Bradley L. TODD

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 12 January 2012

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 12 January 2012

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
30	30	IDENTICAL
31	31	IDENTICAL
35	35	IDENTICAL - written in independent form
38	38	IDENTICAL - written in independent form
39	39	IDENTICAL
40	40	IDENTICAL
41	41	IDENTICAL
42	42	IDENTICAL
43	43	IDENTICAL
44	44	IDENTICAL
45	45	IDENTICAL
46	46	IDENTICAL
47	47	IDENTICAL
48	48	IDENTICAL
49	49	IDENTICAL - written in independent form
50	50	IDENTICAL - written in independent form

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Marlin R. Smith/	Date 01 February 2012
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

XXXXXX



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**MAILED**

**MAR 30 2012**

**OFFICE OF PETITIONS**

SMITH IP SERVICES, P.C.  
P.O. BOX 997  
ROCKWALL, TX 75087

In re Application of  
Bradley L. Todd, et al.  
Application No.: 12/758,781  
Filed: 12 April 2010  
Attorney Docket No.: 2010-IP-031138 U1 US  
For: **HIGH STRENGTH DISSOLVABLE  
STRUCTURES FOR USE IN A  
SUBTERRANEAN WELL**

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)  
:  
:

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 01 February 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, IPAU, APO, RU, SPTO, PRV, SIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-6), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (7).

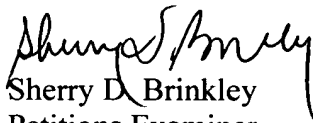
Regarding the requirement of condition (7), applicant has failed to provide a copy of all the references cited by the KIPO examiner.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3204.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/758,781	Filing date:	12 April 2010
First Named Inventor:	Bradley L. TODD		
Title of the Invention:	HIGH STRENGTH DISSOLVABLE STRUCTURES FOR USE IN A SUBTERRANEAN WELL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/efc/efs_help.html">HTTP://WWW.USPTO.GOV/EBC/EFBS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US11/31242

**The international filing date of the corresponding PCT application(s) is/are:**

5 April 2011

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/758,781

First Named Inventor: Bradley L. TODD

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached



Has already been filed in the above-identified U.S. application on 12 January 2012

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.



Have already been filed in the above-identified U.S. application on 12 January 2012

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5	5	IDENTICAL - written in independent form
6	6	IDENTICAL
7	7	IDENTICAL
8	8	IDENTICAL
9	9	IDENTICAL
10	10	IDENTICAL
11	11	IDENTICAL
16	16	IDENTICAL - written in independent form
17	17	IDENTICAL
18	18	IDENTICAL
19	19	IDENTICAL
20	20	IDENTICAL
21	21	IDENTICAL - written in independent form
22	22	IDENTICAL
25	25	IDENTICAL - written in independent form
26	26	IDENTICAL
27	27	IDENTICAL
28	28	IDENTICAL
29	29	IDENTICAL

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Marlin R. Smith/

Date 01 February 2012

Name (Print/Typed) Marlin R. Smith

Registration Number 38310

XXXXXX



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/758,781

First Named Inventor: Bradley L. TODD

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 12 January 2012

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 12 January 2012

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
30	30	IDENTICAL
31	31	IDENTICAL
35	35	IDENTICAL - written in independent form
38	38	IDENTICAL - written in independent form
39	39	IDENTICAL
40	40	IDENTICAL
41	41	IDENTICAL
42	42	IDENTICAL
43	43	IDENTICAL
44	44	IDENTICAL
45	45	IDENTICAL
46	46	IDENTICAL
47	47	IDENTICAL
48	48	IDENTICAL
49	49	IDENTICAL - written in independent form
50	50	IDENTICAL - written in independent form

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Marlin R. Smith/	Date 01 February 2012
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

XXXXXX

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: HALLIBURTON ENERGY SERVICES,  
INC.

Serial No.: 12/758,781

Filed: 12 April 2010

Entitled: HIGH STRENGTH DISSOLVABLE  
STRUCTURES FOR USE IN A  
SUBTERRANEAN WELL

**RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN  
PCT-PPH PROGRAM**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

This is in response to a Decision on Request to Participate in PCT-PPH Program and Petition to Make Special under 37 CFR 1.102(a) dated 30 March 2012. The request and petition were dismissed based on a failure to provide a copy of all the references cited by the KIPO examiner as required by Requirement (7). In a phone conversation with Ms. Sherry D. Brinkley (Petition Examiner, Office of Petitions, 571-272-3204) on 06 April 2012, Ms. Brinkley observed that the European reference was not filed with the Information Disclosure Statement on 12 January 2012. Filed herewith are copies of the missing document, the IDS, and all supporting documentation filed 01 February 2012 requesting participation in the PCT PPH. Please reconsider our request to participate in the PCT-PPH Program for this application.

Respectfully submitted,

SMITH IP SERVICES, P.C.

/Marlin R. Smith/

Marlin R. Smith  
Agent for Applicants  
Registration No. 38,310  
(972) 516-0030

Dated: 05 April 2012

I hereby certify that this correspondence is being filed in  
the U.S. Patent and Trademark Office electronically via  
EFS-Web, on 06 April 2012.

/Sally Ann Smith/

---

Sally Ann Smith



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,805	04/13/2010	HWANG-MIAW CHEN	US31338	5715
EXAMINER				
KUNTZ, CURTIS A				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
10/18/2011		ELECTRONIC		

7590 10/18/2011  
Altis Law Group, Inc.  
ATTN: Steven Reiss  
288 SOUTH MAYO AVENUE  
CITY OF INDUSTRY, CA 91789

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,861	04/13/2010	Ja Hoon Koo	DAE10-01	5822

58406	7590	09/27/2010
BARRY W. CHAPIN, ESQ. CHAPIN INTELLECTUAL PROPERTY LAW, LLC WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE, SUITE 280 WESTBOROUGH, MA 01581		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
3772	

NOTIFICATION DATE	DELIVERY MODE
09/27/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@chapin-ip-law.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BARRY W. CHAPIN, ESQ.  
CHAPIN INTELLECTUAL PROPERTY LAW, LLC  
WESTBOROUGH OFFICE PARK  
1700 WEST PARK DRIVE, SUITE 280  
WESTBOROUGH MA 01581

In re Application of:

KOO, JA HEON

Application No.: 12/758,861

Filed: April 13, 2010

Docket: DAE10-01

Title:

NON-ADHESIVE ANTINOISE  
EARPLUG AND FABRICATION  
METHOD THEREOF

:  
:  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PILOT PROGRAM AND  
: PETITION TO MAKE  
: SPECIAL UNDER 37 CFR  
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 23, 2010 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are **dismissed**

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition do not comply with the above requirements. The request to participate in the PPH program and petition fails to include Item #3.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the KIPO application. The Claims Correspondence Table in the petition is deficient. First, it is unclear how the KIPO allowable dependent claims 8 and 9 become "sufficient corresponding" to the newly added US independent claims 19 and 20. It is noted the newly added independent claims 19 and 20 are broader than the KIPO allowed claims 8 and 9. This broadened version of newly added independent claims 19 and 20 were never examined and allowable by the KIPO examiner. Thus, Item #3 is not satisfied and for this reason the petition can not be granted. The newly added independent claims 19 and 20 must be cancelled before the PPH petition make special can be granted.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. The application will be forwarded to the examiner for action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is dismissed.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,861	04/13/2010	Ja Heon Koo	DAE10-01	5822
58406 7590 10/05/2010 BARRY W. CHAPIN, ESQ. CHAPIN INTELLECTUAL PROPERTY LAW, LLC WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE, SUITE 280 WESTBOROUGH, MA 01581				
EXAMINER				
ART UNIT PAPER NUMBER				
3772				
NOTIFICATION DATE DELIVERY MODE				
10/05/2010 ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@chapin-ip-law.com





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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BARRY W. CHAPIN, ESQ.  
CHAPIN INTELLECTUAL PROPERTY LAW, LLC  
WESTBOROUGH OFFICE PARK  
1700 WEST PARK DRIVE, SUITE 280  
WESTBOROUGH MA 01581

In re Application of:

KOO, JA HEON

Application No.: 12/758,861

Filed: April 13, 2010

Docket: DAE10-01

Title:

NON-ADHESIVE ANTINOISE  
EARPLUG AND FABRICATION  
METHOD THEREOF

:  
:  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PILOT PROGRAM AND  
: PETITION TO MAKE  
: SPECIAL UNDER 37 CFR  
1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 1, 2010 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

### CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Patricia Bianco, Art Unit 3772, at 571-272-4940 and accessible in the PAIR system at <http://uspto.gov/eac/index.html>.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

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Mossman, Kumar and Tyler, PC  
P.O. Box 421239  
Houston TX 77242

**MAILED**

**FEB 07 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Reiderman et al. :  
Application No. 12/758,922 :  
Filed: 04/13/2010 :  
Attorney Docket Number: RES4-50098-USCP1 :

**ON PETITION**

This is in response to the petition under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on April 16, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2858.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**SCHLUMBERGER OILFIELD SERVICES**  
**200 GILLINGHAM LANE**  
**MD 200-9**  
**SUGAR LAND TX 77478**

**MAILED**

**JUN 01 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Christian Stoller	:	
Application No. 12/758,929	:	DECISION ON PETITION
Filed: April 13, 2010	:	
Attorney Docket No. 21.1444-C1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed September 22, 2010, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 23, 2010. A Notice of Abandonment was mailed on April 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2884 for appropriate action by the Examiner in the normal course of business on the reply received May 2, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/758,942	04/13/2010	Kenneth V. Buer	36956.8200	5989
87364	7590	03/09/2011		
Snell & Wilmer L.L.P (USM/Viasat)			EXAMINER	
One Arizona Center			OWENS, DOUGLAS W	
400 East Van Buren Street			ART UNIT	PAPER NUMBER
Phoenix, AZ 85004-2202			2821	
			MAIL DATE	DELIVERY MODE
			03/09/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Snell & Wilmer L.L.P (USM/Viasat)  
One Arizona Center  
400 East Van Buren Street  
Phoenix, AZ 85004-2202

<i>In re</i> Application of Kenneth V. Buer et al.	:	
Appl. No.: 12/758,942	:	DECISION ON PETITION
Filed: April 13, 2010	:	UNDER 37 C.F.R. § 1.59
Attorney's Docket No.: 36956.8200	:	
For: ELECTROMECHANICAL POLARIZATION	:	
SWITCH	:	

This is a decision on the petition under 37 C.F.R. §1.59(b), filed January 14, 2011, to expunge information unintentionally submitted on December 16, 2010.

The petition is DENIED.

Petitioner requests that the Information Disclosure Statement (IDS), filed December 16, 2010, be expunged from the record because it was inadvertently filed in the instant application instead of another application.


Pursuant to M.P.E.P. § 724.05. III., "37 CFR 1.59(b) also covers the situation where an unintended heading has been placed on papers so that they are present in an incorrect application file. In such a situation, a petition should request that the papers be expunged ..... The grant of such a petition will be governed by the factors enumerated in paragraph II of this section in regard to the unintentional submission of information..."

Pursuant to M.P.E.P. § 724.05.II., information unintentionally submitted may be expunged from the file record provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The petition also does not satisfy conditions (B), (C) and (D) above for a grantable petition to expunge information unintentionally submitted in the application under M.P.E.P. § 724.05. III.

For the above-stated reasons, the petition to expunge is denied. The information submitted with the IDS on December 16, 2010 will remain in the file record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



John W. Cabeca, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components





GIBSON & DERNIER LLP  
900 ROUTE 9 NORTH  
SUITE 504  
WOODBRIIDGE NJ 07095

**MAILED**  
**APR 19 2011**  
**OFFICE OF PETITIONS**

In re Application of

**FREUND, Robert M.**

Application No. 12/758,956

Filed: April 13, 2010

Attorney Docket No. 739-2x2

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then an updated Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **ANGIOSOME, INC.**  
**420 ROUNDHILL ROAD**  
**GREENWICH CT 06831**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GIBSON & DERNIER LLP  
900 ROUTE 9 NORTH  
SUITE 504  
WOODBIDGE NJ 07095

**MAILED**  
**JUN 14 2011**  
**OFFICE OF PETITIONS**

In re Application of :

Freund, Robert M. :

Application No. 12/758,956 :

Filed: April 13, 2010 :

Attorney Docket No. 739-2x2 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 05, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Matthew dernier on behalf of all attorneys of record who are associated with customer No. 27538. All attorneys/agents associated with the Customer Number 27538 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **ANGIOSOME INC.,  
C/O REGULUS INTERNATIONAL CAPITAL CORP  
MR. LEE MILLER  
67 HOLLY HILL LANE  
GREENWICH CT 06830**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALAN M ZAMORE  
23 MOUNTAIN AVE  
MONSEY NY 10952

**MAILED**

**JUN 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Alan M. Zamore :  
Application No. 12/758,991 : **DECISION ON PETITION**  
Filed: April 13, 2010 :  
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 07, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 04, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 05, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 04, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1765 for appropriate action on the concurrently filed amendment.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY  
OFFICE (KIPO) AND THE USPTO**

Application No:	12/759,079	Filing date:	04/13/2010
First Named Inventor:	Mark Carlson		
Title of the Invention:	Alerts Life Cycle		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSC/EFSC\\_HELP.HTML](http://www.uspto.gov/efsc/efs_help.html)

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/032239

The international filing date of the corresponding PCT application(s) is/are: 04/23/2010

**I. List of Required Documents:**

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached.



Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/759,079
First Named Inventor:	Mark Carlson

- ☐ **WORKSHEET, WORKSHEET**  
Is attached


☒ Has already been filed in the above-identified U.S. application on 03/08/2011

- ☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 03/08/2011

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date <u>3/10/11</u>
Name (Print/Typed) <u>Marc Knittel</u>	Registration Number <u>55,333</u>

M3K

PCT/US2010/032239

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

KNITTEL MARC R.

TOWNSEND AND TOWNSEND AND CREW LLP TWO  
EMBARCADERO CENTER, 8TH FLOOR SAN  
FRANCISCO CA 94111-3834 USA

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

016222-048011PC

Date of mailing  
(day/month/year) 26 NOVEMBER 2010 (26.11.2010)

Applicant's or agent's file reference

16222-48-11P

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/US2010/032239 /

International filing date  
(day/month/year)

23 APRIL 2010 (23.04.2010)

Docketed

Undocketed  
Noted

Applicant

VISA INTERNATIONAL SERVICE ASSOCIATION et al

Not Docketed

Abandoned

Action: Art 19.1 DS

Doc: 01-26-11 02-26-11

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

## Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



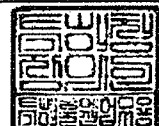
Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8753



\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **CHNZOQG2**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 16222-48-11P	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. <b>PCT/US2010/032239</b>	International filing date ( <i>day/month/year</i> ) <b>23 APRIL 2010 (23.04.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>28 APRIL 2009 (28.04.2009)</b>
Applicant <b>VISA INTERNATIONAL SERVICE ASSOCIATION et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 4  
☒ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
b. ☐ none of the figure is to be published with the abstract.



## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/032239****A. CLASSIFICATION OF SUBJECT MATTER****G06Q 50/00(2006.01)i, G06F 17/00(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

G06Q 50/00; H04W 4/14; G06Q 40/00; H04B 1/40; G06F 15/18

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: account change, alert, message, parsing, credit card, mobile phone, fraudulent, security, transaction, protocol

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A ?	KR 10-2005-0031167 A (PANTECH & CURITEL COMMUNICATIONS, INC.) 6 APRIL 2005 See the abstract, page 2, line 15 - page 5, line 20 and figures 1-4.	1-17
A ?	KR 10-2004-0022901 A (KOREA INFORMATION SERVICES, INC.) 18 MARCH 2004 See the abstract, page 2, line 4 - page 3, line 45 and figures 1-5.	1-17
A	KR 10-2001-0000457 A (IBANK SYSTEMS) 5 JANUARY 2001 See the abstract, page 3, line 8 - page 5, line 3 and figures 1-4.	1-17
A	US 2004/0225627 A1 (BOTROS, SHERIF M. et al.) 11 NOVEMBER 2004 See the abstract, page 1, paragraph [0003] - page 9, paragraph [0084] and figures 1-14.	1-17

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

24 NOVEMBER 2010 (24.11.2010)

Date of mailing of the international search report

**26 NOVEMBER 2010 (26.11.2010)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

SON, HEE SOO

Telephone No. 82-42-481-5960



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/032239**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
KR 10-2005-0031167 A	06.04.2005	None	
KR 10-2004-0022901 A	18.03.2004	None	
KR 10-2001-0000457 A	05.01.2001	None	
US 2004/0225627 A1	11.11.2004	AU 1575401 A US 6769066 B1 WO 2001-031421 A1	08.05.2001 27.07.2004 03.05.2001

M3K

PCT/US2010/032239

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

KNITTEL MARC R.

TOWNSEND AND TOWNSEND AND CREW LLP TWO  
EMBARCADERO CENTER, 8TH FLOOR SAN  
FRANCISCO CA 94111-3834 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

06222-048011P

Date of mailing  
(day/month/year) 26 NOVEMBER 2010 (26.11.2010)Applicant's or agent's file reference  
16222-48-11P

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2010/032239

International filing date (day/month/year)

23 APRIL 2010 (23.04.2010)

Priority date(day/month/year)

28 APRIL 2009 (28.04.2009)

International Patent Classification (IPC) or both national classification and IPC

G06Q 50/00(2006.01)i, G06F 17/00(2006.01)i

Applicant

VISA INTERNATIONAL SERVICE ASSOCIATION et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

✓ Docketed \_\_\_\_\_ Undocketed \_\_\_\_\_  
 Transferred \_\_\_\_\_ Noted \_\_\_\_\_  
 Not Docketed \_\_\_\_\_  
 Abandoned \_\_\_\_\_  
 Action: Resp to writ. \_\_\_\_\_  
 Due: 02-28-11 \_\_\_\_\_  
 By: pmd 12-30-10 \_\_\_\_\_  
 Townsend and Townsend and Crew LLP

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. 02-28-11

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
 Korean Intellectual Property Office  
 Government Complex-Daejeon, 139  
 Seonsa-ro, Seo-gu, Daejeon 302  
 -701, Republic of Korea  
 Facsimile No. 82-42-472-7140

Date of completion of this opinion  
 24 NOVEMBER 2010 (24.11.2010)

Authorized officer  
 SON, HEE SOO  
 Telephone No. 82-42-481-5960



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/032239**

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

☐ on paper

☐ in electronic form

b. time of filing or furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form.

☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/032239**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-17	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-17	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: KR 10-2005-0031167 A (PANTECH & CURITEL COMMUNICATIONS, INC.)  
6 APRIL 2005  
D2: KR 10-2004-0022901 A (KOREA INFORMATION SERVICES, INC.) 18 MARCH 2004  
D3: KR 10-2001-0000457 A (IBANK SYSTEMS) 5 JANUARY 2001  
D4: US 2004/0225627 A1 (BOTROS, SHERIF M. et al.) 11 NOVEMBER 2004

**1. Novelty and Inventive step**

*1.1 Claims 1-10*

The subject matter of claim 1 differs from these prior art documents in that claim 1 includes a method for the message alerts relating with user account changes comprising the steps of parsing the change notification message to determine user account update information and parsing the response message to determine alert message settings corresponding to the user identifier. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

*1.2 Claims 11-17*

The subject matter of claim 11 differs from these prior art documents in that claim 11 includes a system for a communication/IP gateway computer comprising a update-functioned processor which is configured to parse an account change notification messages through the interface to determine update information and an user alert message settings message to determine alert message settings corresponding to the user identifier. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 11 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

(Continued on the Supplemental Box)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/032239**

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of:

Box No. V

Claims 12-17 are dependent on claim 11 and therefore meet the requirements of PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-17 are industrially applicable under PCT Article 33(4).

1. A method for transferring user alert message settings in a transaction processing system, the method comprising: receiving a user account change notification message over a communication interface; parsing by a processor in a server computer the user account change notification message to determine a user identifier and a user account update information, the user identifier being related to one or more user accounts and the user account update information including changes to the user accounts; sending a user alert message settings inquiry message to a user alert message settings database using the processor; receiving a user alert message settings response message from the user alert message settings database over the communication interface using the processor; parsing the user alert message settings response message to determine a set of user alert message settings corresponding to the user identifier using the processor; and modifying the set of user alert message settings to according to the changes to the user accounts using the processor.

2. The method of claim 1 further comprising saving the modified set of user alert message settings to the user alert message settings database using the processor.

3. The method of claim 1 further comprising using the processor to confirm the user account update information with a user associated with the user identifier or a user account issuer.

4. The method of claim 3 wherein using the processor to confirm the user account update information further comprises sending a response address to the user with a request for the user to respond to confirm the user account update information.

5. The method of claim 4 wherein the response address comprises a website.

6. The method of claim 4 wherein the response address comprises a mobile telephone number or code.

7. The method of claim 4 wherein the response address comprises an email address.

8. The method of claim 1 wherein the changes to the user accounts comprises a transfer of an account or account identifier from a first user account issuer to a second user account issuer.

9. The method of claim 8 wherein the transfer of an account of account identifier from the first user account issuer to the second user account issuer comprises moving a mobile telephone number from a first mobile telephone service provider to a second mobile telephone service provider.

10. The method of claim 1 wherein the user accounts include accounts selected from a group consisting of mobile phone accounts, email accounts, transaction accounts, social network accounts and utility accounts.

11. A communication/IP gateway computer for updating user alert message settings comprising: a processor; and a user alert message settings database; wherein the processor is configured to receive a user account change notification message over a communication interface, parse the user account change notification message to determine a user identifier and a set user account update information, the user identifier being related to one or more user accounts and the user account update information including changes to the user accounts, and wherein the processor is also configured to send a user alert message settings inquiry message to the user alert message settings database, receive a user alert message settings response message from the user alert message settings

database, parse the user alert message settings response message to determine a set of user alert message settings corresponding to the user identifier, modify the set of user alert message settings according to the changes to the user accounts.

12. The communication/IP gateway computer of claim 11 wherein the processor is further configured to save the modified set of user alert message settings to the user alert message settings database.

13. The communication/IP gateway computer of claim 12 wherein the user alert message settings database comprises a plurality of databases.

14. The communication/IP gateway computer of claim 13 wherein the plurality of databases comprises an issuer setup database, a user setup database and a transaction database.

15. The communication/IP gateway computer of claim 11 wherein the user alert message settings database synchronizes with an external enrollment database.

16. The communication/IP gateway computer of claim 15 wherein the external enrollment database is maintained by a third party enrollment manager.

17. The communication/IP gateway of claim 11 wherein the alerts rules engine is further configured to verify the set of user account update information with a user related to the user identifier or an account issuer related to a user account associated with the user.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,079	04/13/2010	MARK CARLSON	016222-048011US	6247
66945 7590 08/05/2011 KILPATRICK TOWNSEND & STOCKTON LLP/VISA TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111			EXAMINER FERRIS, DERRICK W	
			ART UNIT 2463	PAPER NUMBER
			NOTIFICATION DATE 08/05/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

KILPATRICK TOWNSEND & STOCKTON  
LLP/VISA  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO CA 94111

In re Application of: MARK CARLSON et al.  
Application No. **12/759079**  
Filed: April 13, 2010  
For: ALERTS LIFE CYCLE

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 15, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.
- (7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.
- (8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

*Application SN 12/759079*  
*Decision on Petition*

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Hassan Kizou/

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Hassan Kizou  
Supervisory Patent Examiner  
Technology Center 2400

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/759,168	Filing date:	April 13, 2010
First Named Inventor:	Mark D. Lauren		
Title of the Invention:	Methods And Composition For Tracking Jaw Motion		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030854

**The international filing date of the corresponding PCT application(s) is/are:**

April 13, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/759,168
First Named Inventor:	Mark D. Lauren

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <b>/Alfonzo I. Cutaia #60,070/</b>	Date <b>6/28/2011</b>
Name (Print/Typed) <b>Alfonzo I. Cutaia</b>	Registration Number <b>60070</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,168	04/13/2010	Mark D. Lauren	011418.00065	6450
26712 7590 07/08/2011 HODGSON RUSS LLP THE GUARANTY BUILDING 140 PEARL STREET SUITE 100 BUFFALO, NY 14202-4040			EXAMINER	
			ART UNIT	PAPER NUMBER
			2123	
			MAIL DATE	DELIVERY MODE
			07/08/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HODGSON RUSS LLP  
THE GUARANTY BUILDING  
140 PEARL STREET  
SUITE 100  
BUFFALO NY 14202-4040

In re Application of: Mark D. LAUREN  
Application No. 12/759,168  
Atty Docket #: **011418.00065**  
Filed: April 13, 2010  
For: **METHODS AND COMPOSITION FOR  
TRACKING JAW MOTION**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY PROGRAM  
AND PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed June 28, 2011 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
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**COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
SUITE 2850  
200 WEST ADAMS STREET  
CHICAGO IL 60606**

**MAILED**  
**NOV 04 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Dwyer et al. :  
Application No. 12/759,212 : **DECISION ON PETITION**  
Filed: April 13, 2010 :  
Attorney Docket No. 0987-0011.05 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, April 14, 2010, which set a shortened statutory period for reply of three (3) months. A two-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on September 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$465.00 and the submission required by 37 CFR 1.114; (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630,1631 (Comm'r Pats. 1988). Since the \$390.00 extension of time fee submitted with the petition on October 18, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 2617 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

MAILED

MAY 31 2011

OFFICE OF PETITIONS

In re Application of :  
Whalen, et al. :  
Application No. 12/759,268 : DECISION  
Filed/Deposited: 13 April, 2010 :  
Attorney Docket No. 11380.0001-00000 :

This is a decision on the petition filed on 14 March, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is GRANTED.

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Missing Parts mailed on 28 April, 2010, with reply due absent extension of time on or before 28 June, 2010.

The application went abandoned by operation of law after midnight 28 June, 2010.

The Office mailed the Notice of Abandonment on 12 January, 2011.

Application No. 12/759,268

On 25 February, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of, *inter alia*, an oath/declaration and surcharge, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

#### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>2</sup>

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>3</sup>))

#### As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/759,268

It appears that the requirements under the rule have been satisfied.

### CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: FMC 2830 PUS (81192133)

Application Number  
(if known): 12759291

Filing date: April 13, 2010

First Named  
Inventor: Allan Roy Gale

Title: POWER DISTRIBUTION CIRCUIT DIAGNOSTIC SYSTEM AND METHOD

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Benjamin Stasa/

Date 2011-03-15

Name Benjamin Stasa  
(Print/Typed)

Registration Number 55644

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,291	04/13/2010	Allan Roy Gale	81192133	6706
28395 7590 03/29/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER SCHECHTER, ANDREW M	
			ART UNIT 2857	PAPER NUMBER
			MAIL DATE 03/29/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
GALE et al.	:	DECISION ON PETITION
Application No. 12/759,291	:	TO MAKE SPECIAL UNDER
Filed: April 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81192133	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to a green technology. The claims are not directed to plug in vehicle charging. Any argument that the claimed invention can be used with electric and hybrid vehicles is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2857 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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In re Application of  
Mohan M. Vijay

Application No. 12759302

Filed: April 13, 2010

Attorney Docket No. GOW01 P-101

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-APR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)  
Approved for use through 07/31/2012. OMB 0651- 0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12759302	Confirmation Number	6724	Filing Date	2010-04-13
Attorney Docket Number (optional)	GOW01 P-101	Art Unit	1715	Examiner	Katherine A Bareford
First Named Inventor	Mohan M. Vijay				
Title of Invention	APPARATUS AND METHOD FOR PREPPING A SURFACE USING A COATING PARTICLE ENTRAINED IN A CONTINUOUS OR PULSED WATERJET OR AIRJET				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Mohan	M.	Vijay			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/taf/	Date (YYYY-MM-DD)	2011-04-11		
Name	Timothy A. Flory	Registration Number	42540		



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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DAVIS & BUJOLD, P.L.L.C.  
112 PLEASANT STREET  
CONCORD NH 03301

**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Christopher V. SELLATHAMBY et al. : ON PETITION  
Application No. 12/759,363 :  
Filed: April 13, 2010 :  
Atty. Docket No.: THOLAM P432US :

This is a decision on the petition under 37 CFR 1.137(b), filed June 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed April 29, 2010, which set a shortened period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on June 30, 2010. A Notice of Abandonment was mailed April 25, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice mailed April 29, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Patent Application Processing for further processing of the Response.

Anthony Knight  
Director  
Office of Petitions



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Paper No.

**DEC 14 2010**

**OFFICE OF PETITIONS**

BILL R. NAIFEH  
15303 Dallas Parkway  
Suite 700  
Addison TX 75001

In re Application of	:	
Huffstickler, Wertz, and	:	
Henderson	:	
Application No. 12/759,364	:	DECISION ON PETITION
Filed: April 13, 2010	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.47(A)
1360.00.01.US1	:	
Title: QUICK-DRY TEXTURED TOWEL	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed October 29, 2010.

This petition is **DISMISSED**.

On April 13, 2010, this application was filed, identifying Huffstickler, Wertz, and Henderson as the joint inventors. No oath or declaration was included on filing, and on April 29, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

Receipt of the four-month extension of time so as to make timely this response is acknowledged.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R.

- § 1.16(f);
- (3) a statement of the last known address of each non-signing inventor;
- (4) either
- a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
- b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

The fee for filing a petition pursuant to 37 C.F.R. § 1.47(a) is set forth in 37 C.F.R. § 1.17(g) as being \$200, with no reduction for small entity status: Petitioner included the \$130 fee associated with 37 C.F.R. § 1.17(h),<sup>1</sup> and a general authorization to charge any fee deficiencies to a Deposit Account has not been located in the electronic file (other than an authorization provided by a law firm which Petitioner does not appear to be affiliated with).<sup>2</sup>

The payment of the required petition fee in full is a prerequisite to the filing of a petition to revive pursuant to 37 C.F.R. § 1.47. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

On renewed petition, Petitioner should:

- provide the deficient \$70 (\$130 + \$70 = \$200), and;

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<sup>1</sup> See petition, page 4 and transmittal letter, page 1.

<sup>2</sup> An Information Disclosure Statement provided by the law firm of Haynes and Boone, LLP on September 3, 2010 contains a general authorization to charge any fee deficiency to a Deposit Account.

- provide a statement from one having firsthand knowledge of the June 17, 2010 mailing which establishes whether it was a *complete* copy of the application that was sent to Ms. Henderson on this date (*i.e.*, whether a copy of the specification, claims, drawings, and the declaration were each included in the mailing).

Petitioner should note that any statement that appears therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,<sup>3</sup> hand-delivery,<sup>4</sup> or facsimile.<sup>5</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>6</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>7</sup>

/Paul Shanowski/  
Paul Shanowski  
Senior Attorney  
Office of Petitions

---

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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Paper No.

BILL R. NAIFEH  
15303 Dallas Parkway  
Suite 700  
Addison TX 75001

**MAILED**  
**FEB 15 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Huffstickler, Wertz, and :  
Henderson :  
Application No. 12/759,364 : DECISION ON RENEWED PETITION  
Filed: April 13, 2010 : PURSUANT TO  
Attorney Docket No. : 37 C.F.R. § 1.47(A)  
1360.00.01.US1 :  
Title: QUICK-DRY TEXTURED TOWEL :

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed January 7, 2011.

This renewed petition is **DISMISSED**.

On April 13, 2010, this application was filed, identifying Huffstickler, Wertz, and Henderson as the joint inventors. No oath or declaration was included on filing, and on April 29, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of each non-signing inventor;

- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
  - b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed October 29, 2010, along with, *inter alia*, a declaration that has been executed by the first two-named joint inventors, a portion of the petition fee, and a four-month extension of time so as to make timely the submission. The original petition was dismissed via the mailing of a decision on December 14, 2010.

With this renewed petition, Petitioner has included the remainder of the petition fee, and it appears that Petitioner has attempted to achieve joinder via the submission of a declaration that appears to have been executed by formerly non-signing joint inventor Henderson.

This declaration cannot be accepted, and as such, **joinder has not been achieved**. The declaration that was submitted concurrently with this renewed petition cannot be accepted for the following two reasons:

First, the declaration contains a signature that appears to be that of Ms. Henderson. However, this **signature does not appear in the proper location**: in lieu of appearing in the signature block which is associated with joint inventor Henderson, the signature has been made in a signature block that does not have a name associated with it.

Secondly, the individual who executed this declaration indicated that she is a resident of a **country** named "Collin."<sup>1</sup>

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<sup>1</sup> It is noted that Packer, Texas is located in Collin county, and as such, it appears that the individual who executed this declaration misread the word "country" (emphasis added) as "county."

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

On second renewed petition, **Petitioner should submit a properly executed declaration which lists the correct information for Ms. Henderson.**

Petitioner will note that **the failure to submit a timely response to this petition will result in the abandonment of this application.**

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,<sup>2</sup> hand-delivery,<sup>3</sup> or facsimile.<sup>4</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>5</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>6</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300: please note this is a central facsimile number.

5 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,370	04/13/2010	Ralph Huchtemann	17755/002001	6846
7590 11/17/2011				
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010				
EXAMINER CHAUHAN, ULKA J				
ART UNIT		PAPER NUMBER		
2628				
NOTIFICATION DATE		DELIVERY MODE		
11/17/2011		ELECTRONIC		

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

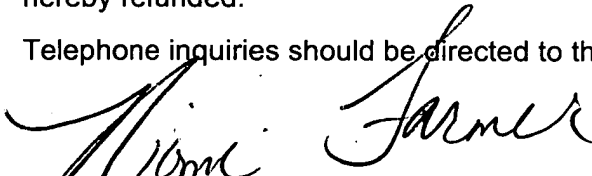
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

**MAILED**

**JUN 02 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Malan De Villiers et al.	:	DECISION ON PETITION
Application No. 12/759,460	:	TO WITHDRAW
Filed: April 13, 2010	:	FROM RECORD
Attorney Docket No. 022031-001110US	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,521	04/13/2010	Hajime Sonobe	8073P925	7131
8791 7590 11/05/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER	
			ART UNIT	PAPER NUMBER
			2183	
			MAIL DATE	DELIVERY MODE
			11/05/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of: **Hajime SONOBE**  
Application No. 12/759521  
Filed April 13, 2010  
Docket No.: 8073P925  
For: **Image processing apparatus and  
image processing method**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 13, 2010 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either
    - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims,
  - Or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - (i) validly claims priority to an application filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim,
  - Or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - (i) validly claims priority to an application filed in the JPO, or

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
  - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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DAVID TERMAN  
3 HANGAR WAY  
SUITE D  
WATSONVILLE, CA 95076

**MAILED**

**AUG 02 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
David S. Terman	:	
Application No. 12/759,527	:	DECISION ON PETITION
Filed: April 13, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P202C1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 13, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1643 for action on the merits commensurate with this decision.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,535	04/13/2010	Mitsuo Yamazaki	8073P924	7152
8791 7590 12/14/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER GHAYOUR, MOHAMMAD H	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 12/14/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





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**MAIL**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

DEC 14 2010  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of	:	
YAMAZAKI, MITSUO	:	DECISION ON REQUEST TO
Application No. 12/759,535	:	PARTICIPATE IN PATENT
Filed: April 13, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 8073P924	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 19, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

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Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **IIIx-16** Application Number (if known): **12/759,537** Filing date: **04/13/2010**

First Named Inventor: **Youssef Habib**

Title: **Semiconducting Nanowire Arrays for Photovoltaic Applications**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature **/ts/** Date **07/13/2011**

Name (Print/Typed) **Ted Sabety** Registration Number **53540**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,537	04/13/2010	Youssef Habib	Illx-16	7154

59830 7590 08/22/2011  
TED SABETY, c/o Sabety +associates, PLLC  
1130 Bedford Rd.  
PLEASANTVILLE, NY 10570

EXAMINER
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ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
08/22/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

TED@SABETY.NET  
lkorotkin@sabety.net



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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www.uspto.gov

TED SABETY, c/o Sabety +associates, PLLC  
1130 Bedford Rd.  
PLEASANTVILLE NY 10570

AUG 22 2011

In re Application of	:	
Youssef Habib	:	DECISION ON PETITION
Application No. 12/759,537	:	TO MAKE SPECIAL UNDER
Filed: April 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. Illx-16	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 13, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

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In re application of: Johnson et al.

Attorney Docket No.: SKY1P004D1

Application No.: 12/759,596

Examiner: Gardner, Shannon

Filed: April 13, 2010

Group: 1723

Title: PHOTOVOLTAIC RECEIVER

Confirmation No.: 7273

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CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on November 16, 2011.

Signed: \_\_\_\_\_/Dawn Wold/  
Dawn Wold

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on August 5, 2010, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d).

By filing this petition, Applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

The application contains no more than three (3) independent claims and twenty (20) total claims.

The application does not contain any multiple dependent claims.

Respectfully Submitted,  
BEYER LAW GROUP LLP

/Eric Yoon/  
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Date: November 16, 2011

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,596	04/13/2010	Eric C. Johnson	SKY1P004D1	7273
58766	7590	12/15/2011		
Beyer Law Group LLP P.O. BOX 1687 Cupertino, CA 95015-1687			EXAMINER GARDNER, SHANNON M	
			ART UNIT	PAPER NUMBER
			1723	
			NOTIFICATION DATE	DELIVERY MODE
			12/15/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com



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P.O. BOX 1687  
Cupertino CA 95015-1687

12/15/11

In re Application of	:	
Johnson et al.	:	DECISION ON PETITION
Application No. 12/759,596	:	TO MAKE SPECIAL UNDER
Filed: 4/13/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. SKY1P004D1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/17/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1723 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

**MAILED**  
**AUG 24 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Jose Francisco Gomez Insa	:	
Application No. 12/759,600	:	ON PETITION
Filed: April 13, 2010	:	
Attorney Docket No. 5724.092.10	:	

This is a decision on the petition filed August 12, 2011 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, February 2, 2011, which set a shortened statutory period for reply of three (3) months. A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3635 for appropriate action by the Examiner in the normal course of business on the reply received August 12, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Rebecca G. Rudich  
1401 I Street, N.W. Ste. 1100  
Washington, DC 20005



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,607	04/13/2010	Takuya MATSUMOTO	SUTOSH.571AUS	7299
20995 7590 11/29/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			11/29/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com





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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

In re Application of	:	
MATSUMOTO, TAKUYA, et al.	:	DECISION ON REQUEST TO
Application No. 12/759,607	:	PARTICIPATE IN PATENT
Filed: April 13, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. SUTOSH.571AUS	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 13, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

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Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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MAILED AUG 30 2010

BAKER BOTTS L.L.P.  
30 ROCKEFELLER PLAZA  
44th Floor  
NEW YORK NY 10112-4498

In re Application of: Gartz et al.  
Application No.: 12/759610  
Filed: April 13, 2010  
Title: Convertible Container And Plate

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on April 13, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1 and 6.4 above are considered to have been met. However, the petition fails to comply with conditions II : 5.1, 5.2, 6.2, 6.3, 6.5, and 6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-4; the "accelerated examination support document" comprising pages 1-57, and an Information Disclosure Statement including form PTO/SB/08A. A 57 page supplemental AESD was filed on July 2, 2010 with newly submitted claims.

Initially, it is noted that the claims filed on July 2, 2010 do not comply with 37 CFR 1.121 as they do not show the changes in the claims by strike-through and underlining. A new amendment is required.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 220 subclasses 7, 326, 833, 834, 835, 837, and 839. Searching in class D7 subclasses 538, 550.1, 554.3, 554.4, 545, and 586 and class D9 subclasses 424 and 432 also appear on point. Applicant has not pointed out how the original search now covers each of the new limitations in the claims filed on July 2, 2010.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in "Guidelines for Applicants under the new accelerated examination procedures"):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective*

*interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. Petitioner does not point out a direct comparison of the claim limitations with the limitations disclosed by the references. By not directly addressing all limitations, it is not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, the discussion of patentability must be discussed separately from the showing of where the limitations are in the references since a limitation not shown does not necessarily make the claim patentable. All claims, including the dependent claims, must be addressed with regard to patentability.

Note, that a statement that the dependent claims are allowable because the independent claims are patentable is not sufficient. This does not provide guidance to the examiner as to whether the limitations could provide patentability should the examiner find the independent claims unpatentable. Additionally, since the terminal disclaimers were not approved (the attorney signing is not an attorney of record), petitioner has not overcome any rejection of the claims over the claims of applications 12/491002 and 12/435327 intended by the terminal disclaimers.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports

exists. In the instant petition, it is not clear how the new claim limitation "at least one sidewall" is supported by paragraphs 32- 39 since the term "at least one" is not used. In addition, petitioner has not addressed whether the claims include any means plus function claim elements. If there are none, a statement to such must be made.

Finally, regarding the requirements of section II element 6.6, the petition does not provide an identification of any cited references that may be disqualified under 35 U.S.C. 103(c). If there are no such references, a statement to such must be made.

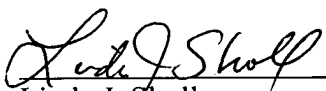
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

  
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Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



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NEW YORK NY 10112-4498

MAILED OCT 05 2010

In re Application of: Gartz et al.	:	
Application No.: 12/759610	:	DECISION ON PETITION TO
Filed: April 13, 2010	:	MAKE SPECIAL FOR NEW
Title: CONVERTIBLE CONTAINER AND PLATE	:	APPLICATION UNDER 37
	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02

This is a decision on the renewed petition filed on September 30, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.



3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

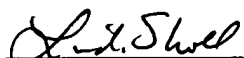
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



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Linda Sholl, Special Programs Examiner  
Technology Center 3700



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,612	04/13/2010	Kazuhiro SAITO	SUTOSH.575AUS	7309

7590 01/31/2011  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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YOUNG, WAYNE R

ART UNIT	PAPER NUMBER
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2627

NOTIFICATION DATE	DELIVERY MODE
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01/31/2011

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Sarmes*  
Patent Publication Branch  
Office of Data Management

12/759,612  
04/13/2010  
Kazuhiro SAITO  
SUTOSH.575AUS  
7309  
01/31/2011  
ELECTRONIC

NOJUSMENT DATE: 01/31/2011 17:00:00  
SUTOSH.575AUS 00000000 12/759,612  
02 701111 -543.00



UNITED STATES PATENT AND TRADEMARK OFFICE

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QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

**MAILED**

**MAY 19 2011**

**OFFICE OF PETITIONS**

In re Application of	:
Rajiv Laroia, et al.	:
Application No. 12/759,626	: DECISION GRANTING PETITION
Filed: April 13, 2010	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 060527D1C1C1	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 18, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on April 29, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2473 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

**MAILED**  
**MAY 19 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Rajiv Laroia, et al.	:	
Application No.: 12/759,639	:	ON PETITION
Filed: April 13, 2010	:	
Attorney Docket No.: 060527D1C1C4	:	

This is a decision on the petition, filed May 18, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on April 29, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2473 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Eric Francis Calamia III  
18165 Constitution Ave.  
Monte Sereno CA 95030

**MAILED**

**MAR 21 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Calamia : DECISION ON PETITION  
Application No. 12/759,698 :  
Filed: April 14, 2010 :  
For: GATE LATCH PULL CABLE :

The above-identified application has been directed to the Office of Petitions for consideration of the letter filed February 14, 2011. This matter is being properly treated pursuant to 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

This application became abandoned July 4, 2010 for failure to timely submit a proper reply to the Notice to File Corrected Application Papers (Notice) mailed May 3, 2010. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was timely submitted. Notice of Abandonment was mailed January 20, 2011.

Petitioner attributes the holding of abandonment of the application to non-receipt of the Notice mailed May 3, 2010.

As petitioner has provided no evidence to establish non-receipt of the Office communication, the Office is not persuaded that the Office communication was not received at the correspondence address of record.

A review of the record indicates no irregularity in the mailing of the Office communication. In the absence of any irregularity in the mailing, there is a strong presumption that the Office communication was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Office communication of May 3, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after May 3, 2010, to demonstrate non-receipt of the Office communication. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office communication, and where petitioner would have entered the receipt date of the Office communication had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these

documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office communication, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Office communication was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after May 3, 2010; the period when he would have received the Office communication.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Office communication.

In view of the above findings, the petition to withdraw the holding of abandonment is **DISMISSED**.

Any request for reconsideration must be accompanied by documentary evidence to establish non-receipt of the final Office action.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

#### **ALTERNATE VENUE**

Petitioner may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). See, enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By hand delivery:

U.S. Patent and Trademark Office  
Customer Window, **Mail Stop Petition**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions

Enclosures





UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**MAY 20 2011**

**OFFICE OF PETITIONS**

Eric Francis Calamia III  
18165 Constitution Ave.  
Monte Sereno CA 95030

In re Application of :  
Calamia : DECISION ON PETITION  
Application No. 12/759,698 :  
Filed: April 14, 2010 :  
For: GATE LATCH PULL CABLE :

This is a decision on the petition renewed under 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

Submission of the petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). Review of Office finance records does not establish receipt of the required petition fee, currently, \$810.00 for a small entity. See, 37 CFR 1.17(m). It would appear that petitioner has submitted \$5.00.

Accordingly, the petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration must be accompanied by the required petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Application No. 12/759,698

2

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

**MAILED**

**JUN 15 2011**

**OFFICE OF PETITIONS**

Eric Francis Calamia III  
18165 Constitution Ave.  
Monte Sereno CA 95030

In re Application of :  
Calamia : DECISION ON PETITION  
Application No. 12/759,698 :  
Filed: April 14, 2010 :  
For: GATE LATCH PULL CABLE :

This is a decision on the petition renewed under 37 CFR 1.137(b), filed June 6, 2011, to revive the above-identified application.

The application became abandoned July 4, 2010 for failure to timely submit a proper reply to the Notice of File Corrected Application Papers (Notice) mailed May 3, 2010. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed January 20, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See, MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**FEB 27 2012**

**OFFICE OF PETITIONS**

MARTIN D MOYNIHAN d/b/a PRTSI  
INC  
PO BOX 16446  
ARLINGTON VA 22215

In re Application of	:	DECISION
Shtakelberg, et al.	:	ON PETITION
Application No. 12/759,730	:	
Filed: April 14, 2010	:	
Attorney Docket Number: 48689	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed April 14, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2858.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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AT&T LEGAL DEPARTMENT - HBH  
ATTN: PATENT DOCKETING  
ONE AT&T WAY  
ROOM 2A-207  
BEDMINSTER NJ 07921

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :  
Tischer, et al. : DECISION ON PETITION  
Application No. 12/759,767 :  
Filed: 14 April, 2010 :  
Attorney Docket No. 02121CON5/ :  
60027.5002USC1 :

This is a decision on the petition filed on 12 August, 2010, pursuant to 37 C.F.R. §1.47

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

**BACKGROUND**

The record reflects as follows:

The application was deposited on 14 April, 2010, without, *inter alia*, a fully executed oath/declaration

On 28 April, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 28 June, 2010, Petitioner Jodi L. Hartman (Reg. No. 55,251) submitted, *inter alia*: a request and fee for extension of time, a petition with fee with statement; and with: an oath/declaration executed by co-inventors Tischler and Zellner for themselves and on behalf of non-signing inventor Robert J. Starr (Mr. Starr). Petitioner also submitted a statement as to an address for the non-signing inventor, but the record fails to provide confirmation of an ability to deliver to the address to the non-signing inventor a copy of the complete application (description, claims, abstract and drawings). Thus there also was no indication of the validity/currency/reasonableness of believing it to be last known address for the non-signing inventor and so to present it properly to the Office pursuant to Petitioner's duty of candor to and diligent inquiry before the Office to ascertain same. (I.e., after the papers were returned undelivered, Petitioner took to action to ensure that the information address was valid/current/reasonably believed it to be last known address for the non-signing inventor.) The petition was dismissed on 20 July, 2010.

On 12 August, 2010, re-advanced her petition pursuant to 37 C.F.R. §1.47, and made a showing that the entire application (description, claims, abstract, drawings) was sent to the non-signing inventors and that the non-signing inventor could not be reached or refused to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); and a statement of the last known address of the non-signing inventor with a showing of diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. The showing presented of record indicates a failure to reply and constructive refusal to sign.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing of constructive refusal to sign by the non-signing inventor.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt





UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

ROBERT J. STARR  
2804 MOUNT OLIVE DRIVE  
DECATUR, GA 30033

**MAILED**

**AUG 16 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Tischer, et al. : CORRESPONDENCE  
Application No. 12/759,767 :  
Filed: 14 April, 2010 :  
Attorney Docket No. 02121CON5/ :  
60027.5002USC1 :

Dear Robert J. Starr:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/> ).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/759,767

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
AT&T LEGAL DEPARTMENT - HBH  
ATTN: PATENT DOCKETING  
ONE AT&T WAY  
ROOM 2A-207  
BEDMINSTER NJ 07921

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<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt



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**QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO CA 92121**

**MAILED  
MAR 22 2012  
OFFICE OF PETITIONS**

**In re Application of  
Samir S. Soliman et al  
Application No.: 12/759,920  
Filed: April 14, 2010  
Attorney Docket No.: 091542U2  
For: POWER SAVINGS THROUGH  
COOPERATIVE OPERATION OF  
MULTIRADIO DEVICES**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on February 7, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;


(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
David Bucci  
Petition Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83141212

Application Number  
(if known): 12/759,958

Filing date: April 14, 2010

First Named  
Inventor: Stephen William Magner

Title: DELAY COMPENSATED AIR/FUEL CONTROL OF AN INTERNAL COMBUSTION ENGINE OF A VEHICLE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature

Name  
(Print/Typed) John D. Russell

Date February 1, 2011

Registration Number 47,048

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Stephen William Magner et al.  
Application No. : 12/759,958  
Filed : April 14, 2010  
Title : DELAY COMPENSATED AIR/FUEL CONTROL OF AN  
INTERNAL COMBUSTION ENGINE OF A VEHICLE  
Group Art Unit : 3747  
Confirmation No. : 8107  
Docket No. : 83141212

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 31, 2011  
Date

Caitlin Fackrell  
Caitlin Fackrell

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially enhances the quality of the environment; and/or (2) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (3) the claimed invention materially contributes to greenhouse gas emission reduction.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially enhances the quality of the environment by lowering exhaust emissions, which negatively

impact the environment. Specifically, the claimed invention improves catalyst efficiency by decreasing errors associated with response time delays in a closed-loop air/fuel control system. As described in the Background and Summary of the subject application, closed-loop fuel/air control systems maintain desired air to fuel ratios by sensing the amount of oxygen in the exhaust feed gas and adjusting the amount of fuel injected to compensate for rich or lean conditions. By doing so, catalyst efficiency, which relies on the proper amount of oxygen to function efficiently, is maintained at an optimal level. However, a relatively large time delay (time between a fuel change and the first indication of a measured fuel/air ratio response) can exist that may destabilize the closed loop fuel/air control, resulting in low gain feedback control with sluggish response speed. This limits the ability to properly regulate aggressive modulation of the exhaust feed gas which reduces catalyst efficiency. Moreover, it compromises the ability to facilitate disturbance rejection, making the control approach more vulnerable to conditions of reduced drivability. The claimed invention addresses these issues by compensating for the time delay to increase the response speed of the fuel control. For example, claim 1 recites:

- A closed loop fuel control system for an engine comprising:
  - a reference input to produce a desired fuel/air signal;
  - a delay compensation filter to receive a sum of the desired fuel/air signal and a fuel/air control signal output from a proportional-integral controller, the delay compensation filter providing a system delay compensation signal;
  - an exhaust gas sensor to provide an fuel/air ratio signal that is subtracted from a filtered fuel/air signal and this result is added to the system delay compensation signal to produce an error signal being provided to the proportional-integral controller to produce the delay compensated fuel/air control signal; and
  - a transient fuel control filter to adjust the delay compensated fuel/air control signal according to an engine temperature dependent time constant and an engine temperature dependent gain to produce an engine temperature dependent delay compensated fuel/air control signal.

The claimed system includes a reference input to produce a desired fuel/air signal. A delay compensation filter, which provides a delay compensation signal, receives a sum of the desired fuel/air signal and a fuel/air control signal output from a proportional-integral controller. The system also includes an exhaust gas sensor, which provides a fuel/air ratio signal. The fuel/air ratio signal is subtracted from a filtered fuel/air signal and this

result is added to the delay compensation signal to produce an error signal. The error signal is provided to the proportional-integral controller to produce the delay compensated fuel/air control signal. Finally, a transient fuel control filter adjusts the delay compensated fuel/air control signal according to an engine temperature dependent time constant and an engine temperature dependent gain to produce an engine temperature dependent delay compensated fuel/air control signal.

In this way, the closed loop system is stabilized by the delay compensator, so much so that higher gains can be used. Because of this, the controller's response to a disturbance has a peak error that is somewhat reduced, and the duration of the error is greatly reduced. For the application of fuel control, this makes the delay compensation valuable, since it reduces the integrated error of fuel/air ratio going to the catalyst, which can only absorb a limited amount of fuel/air deviation from stoichiometry. By maintaining the fuel/air ratio closer to stoichiometry, the claimed invention improves catalyst efficiency, lowering the amount of exhaust emissions released and thus improving the quality of the environment.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources (i.e. fossil fuels) by improving fuel economy. As explained above and set forth in claim 1, the claimed invention allows for a more rapid response to shifts in the air/fuel ratio. By maintaining the air/fuel ratio closer to stoichiometry during rich fueling errors, fuel economy can be improved. Furthermore, as explained on pages 2-3 of Applicants' specification, by feeding the delay compensated fuel/air control signal through the transient fuel control filter, the control signal may be adjusted based on engine temperature in order to compensate for the effects of fuel puddle dynamics. Fuel puddles result when a fraction of injected fuel sticks to the port walls, in so-called "puddles." Fuel from the puddles evaporates at a rate that depends on many factors including wall temperature, manifold pressure, and fuel volatility. Thus, as the rate of fuel evaporation in the intake ports of the engine varies with engine temperature, the fuel control signal can be adjusted to maintain accurate fuel control. In this way, accuracy of the fuel control response can be increased resulting in increased fuel economy by reducing rich excursions that waste excess fuel.



Regarding basis (3), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO<sub>2</sub> is a greenhouse gas produced as a product of fuel combustion. As explained above, increased accuracy of the fuel control response can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO<sub>2</sub>.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP



John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	12759958			
<b>Filing Date:</b>	14-Apr-2010			
<b>Title of Invention:</b>	Delay Compensated Air/Fuel Control of an Internal Combustion Engine of a Vehicle			
<b>First Named Inventor/Applicant Name:</b>	Stephen William Magner			
<b>Filer:</b>	John David Russell/Caitlin Fackrell			
<b>Attorney Docket Number:</b>	83141212			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
Publ. Fee- early, voluntary, or normal	1504	1	300	300
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				300

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	9344303
<b>Application Number:</b>	12759958
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8107
<b>Title of Invention:</b>	Delay Compensated Air/Fuel Control of an Internal Combustion Engine of a Vehicle
<b>First Named Inventor/Applicant Name:</b>	Stephen William Magner
<b>Customer Number:</b>	36865
<b>Filer:</b>	John David Russell/Caitlin Fackrell
<b>Filer Authorized By:</b>	John David Russell
<b>Attorney Docket Number:</b>	83141212
<b>Receipt Date:</b>	31-JAN-2011
<b>Filing Date:</b>	14-APR-2010
<b>Time Stamp:</b>	16:12:05
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 300
RAM confirmation Number	3259
Deposit Account	061510
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The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

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Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for Green Tech Pilot	Petition.pdf	457717 83a699c4f93baf5ba886571230a0b80a226d1268	no	4

### Warnings:

### Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30141 568c5149617a59865d483c0d38c3bceb0b565036	no	2
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### Warnings:

### Information:

Total Files Size (in bytes):

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#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,958	04/14/2010	Stephen William Magner	83141212	8107

36865 7590 02/04/2011  
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND, OR 97205

EXAMINER
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ART UNIT	PAPER NUMBER
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3747

MAIL DATE	DELIVERY MODE
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02/04/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
MAGNER, STEPHEN WILLIAM et al	:	DECISION ON PETITION
Application No. 12/759,958	:	TO MAKE SPECIAL UNDER
Filed: April 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83141212	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 1, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700





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**NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH  
FLOOR  
ARLINGTON VA 22203**

**MAILED  
MAR 01 2012  
OFFICE OF PETITIONS**

In re Application of  
Mitsunori Kimura, et al.  
Application No.: 12/759,971  
Filed: April 14, 2010  
Attorney Docket No.: MNL-2635-877  
For: ELECTRIC POWER CONVERTER

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 2, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:

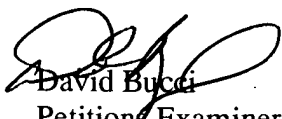
- b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
David Buccia  
Petitions Examiner  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Mrdjan J. Jankovic et al.  
Application No. : 12/759,972  
Filed : April 14, 2010  
Title : MULTI-COMPONENT TRANSIENT FUEL  
COMPENSATION  
Group Art Unit : 3747  
Confirmation No. : 8127  
Docket No. : 83142165

Commissioner for Patents  
P.O. Box 1450  
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**CERTIFICATE OF TRANSMISSION**

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January 31, 2011  
Date

Caitlin Fackrell  
Caitlin Fackrell

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (i.e., more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention improves fuel economy by accurately controlling the amount of fuel injected into an engine configured to operate using multi-component fuel. In modern engines, the air-fuel ratio (AFR) in the cylinder may be controlled close to stoichiometry to maintain high emission conversion efficiency of the exhaust catalyst system. One of the issues that affects the accuracy of AFR regulation is that a fraction of injected fuel sticks to the port walls, in so-called "puddles." Fuel from the puddles evaporates at a rate that depends on many factors including wall temperature, manifold pressure, and fuel volatility. Engine control strategies may include compensation for the fuel-puddling (also called wall-wetting) effect, but the complexity of the underlying physics makes the strategy complicated and the calibration process time consuming. Part of the complexity is due to the varying volatility of fuels available at the pump (e.g., depending on the season and location) and the requirement that some vehicles run on flex fuels which can be a variable mixture of gasoline and ethanol ( $C_2H_5OH$ ), with up to 85% percent of ethanol. The blending leads to different behavior of the fuel in terms of vaporization and puddle formation.

Current approaches address the physics of fuel vaporization by modeling, for example, multiple puddles, and multiple fuel components. The fuel components might include the standard gasoline components (e.g., pentane, iso-octane, etc.) as well as ethanol for flex fuel applications. Another set of approaches are based on simpler "black box" models, for which the parameters are determined by matching the model output to the observed (e.g., measured) air-fuel ratio. However, both approaches have drawbacks associated with them. The multi-component, multi-puddle models are complex and typically require a significant amount of computational resources to run in real time. They are also nonlinear, and hence, not conducive for transient fuel puddle compensation. The black box models rely on numerous calibrations to attempt to compensate for the fuel-puddling. The calibrations are typically time intensive and may not effectively compensate for the port puddling effect because the physics of the process is not captured well by the simplified model. In particular, these models are not capable of tracking the fraction of ethanol in the port puddle as opposed to the fraction of ethanol

in the tank. Consequently, effective transient fuel compensation may not be achieved, thereby degrading engine emissions.

Some of the above issues may be addressed by the claimed invention, which adjusts an amount of fuel injection to an engine based on an ethanol content of fuel in a port puddle. For example, claim 1 recites:

A method of adjusting fuel injections to an engine, comprising:  
adjusting an amount of a fuel injection to an engine based on an  
ethanol content of fuel in a port puddle.

For example, an engine controller may be configured to determine an initial, temporary, fuel injection (e.g., amount, percent ethanol, etc.), and then adjust the initial fuel injection settings to compensate for a port fuel puddle based on the composition of the fuel in the fuel puddle. The initial fuel injection may be determined based on engine operating parameters such as engine speed, engine load, engine coolant temperature, exhaust temperature, gear ratios, knock, compression ratio, boost, etc. Further, an adaptive parameter may also be included to account for learned adjustments to the fuel injection during the previous engine operation, and to account for corresponding fuel puddle dynamics. The adaptive terms may be stored in a look-up table, as a function of engine speed, load, temperature, or combinations thereof, for example. Thus, an engine controller may adjust an initial amount of fuel injection to the engine based on the ethanol content of fuel in the port puddle. If the ethanol content of the fuel in the port puddle is high, less fuel can be injected into the engine, resulting in improved fuel economy. This approach thus reduces inadvertent rich operation that would otherwise waste fuel.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO<sub>2</sub> is a greenhouse gas produced as a product of fuel combustion. As explained above and set forth in claim 1, increased accuracy of the fuel injection based on the ethanol content of the port puddles can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO<sub>2</sub>.

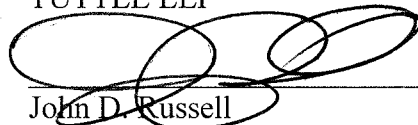
Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing the amount of exhaust emissions,

which negatively impact the quality of the environment. As explained above, operating at less-than-optimal AFR can result in decreased efficiency of conversion of emissions by the exhaust catalyst system. By adjusting the amount of fuel injected based on the ethanol content of the fuel in port puddles, engines operating with multi-component fuel can maintain high catalyst system efficiency, thus lowering exhaust emissions and enhancing the quality of the environment. Furthermore, by reducing inadvertent rich operation that may otherwise occur with an adjustment independent of ethanol content of a port puddle, for example, less HC and/or CO emissions may be generated.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP



John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83142165

Application Number  
(if known): 12/759,972

Filing date: April 14, 2010

First Named  
Inventor: Mrdjan J. Jankovic

Title: MULTI-COMPONENT TRANSIENT FUEL COMPENSATION

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature

Name  
(Print/Typed) John D. Russell

Date February 1, 2011

Registration Number 47,048

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mrdjan J. Jankovic et al.  
Application No. : 12/759,972  
Filed : April 14, 2010  
Title : MULTI-COMPONENT TRANSIENT FUEL  
COMPENSATION  
Group Art Unit : 3747  
Confirmation No. : 8127  
Docket No. : 83142165

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 31, 2011  
Date

Caitlin Fackrell  
Caitlin Fackrell

### STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

#### *I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

#### *II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by



improving fuel economy (i.e., more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention improves fuel economy by accurately controlling the amount of fuel injected into an engine configured to operate using multi-component fuel. In modern engines, the air-fuel ratio (AFR) in the cylinder may be controlled close to stoichiometry to maintain high emission conversion efficiency of the exhaust catalyst system. One of the issues that affects the accuracy of AFR regulation is that a fraction of injected fuel sticks to the port walls, in so-called "puddles." Fuel from the puddles evaporates at a rate that depends on many factors including wall temperature, manifold pressure, and fuel volatility. Engine control strategies may include compensation for the fuel-puddling (also called wall-wetting) effect, but the complexity of the underlying physics makes the strategy complicated and the calibration process time consuming. Part of the complexity is due to the varying volatility of fuels available at the pump (e.g., depending on the season and location) and the requirement that some vehicles run on flex fuels which can be a variable mixture of gasoline and ethanol ( $C_2H_5OH$ ), with up to 85% percent of ethanol. The blending leads to different behavior of the fuel in terms of vaporization and puddle formation.

Current approaches address the physics of fuel vaporization by modeling, for example, multiple puddles, and multiple fuel components. The fuel components might include the standard gasoline components (e.g., pentane, iso-octane, etc.) as well as ethanol for flex fuel applications. Another set of approaches are based on simpler "black box" models, for which the parameters are determined by matching the model output to the observed (e.g., measured) air-fuel ratio. However, both approaches have drawbacks associated with them. The multi-component, multi-puddle models are complex and typically require a significant amount of computational resources to run in real time. They are also nonlinear, and hence, not conducive for transient fuel puddle compensation. The black box models rely on numerous calibrations to attempt to compensate for the fuel-puddling. The calibrations are typically time intensive and may not effectively compensate for the port puddling effect because the physics of the process is not captured well by the simplified model. In particular, these models are not capable of tracking the fraction of ethanol in the port puddle as opposed to the fraction of ethanol

in the tank. Consequently, effective transient fuel compensation may not be achieved, thereby degrading engine emissions.

Some of the above issues may be addressed by the claimed invention, which adjusts an amount of fuel injection to an engine based on an ethanol content of fuel in a port puddle. For example, claim 1 recites:

A method of adjusting fuel injections to an engine, comprising:  
adjusting an amount of a fuel injection to an engine based on an ethanol content of fuel in a port puddle.

For example, an engine controller may be configured to determine an initial, temporary, fuel injection (e.g., amount, percent ethanol, etc.), and then adjust the initial fuel injection settings to compensate for a port fuel puddle based on the composition of the fuel in the fuel puddle. The initial fuel injection may be determined based on engine operating parameters such as engine speed, engine load, engine coolant temperature, exhaust temperature, gear ratios, knock, compression ratio, boost, etc. Further, an adaptive parameter may also be included to account for learned adjustments to the fuel injection during the previous engine operation, and to account for corresponding fuel puddle dynamics. The adaptive terms may be stored in a look-up table, as a function of engine speed, load, temperature, or combinations thereof, for example. Thus, an engine controller may adjust an initial amount of fuel injection to the engine based on the ethanol content of fuel in the port puddle. If the ethanol content of the fuel in the port puddle is high, less fuel can be injected into the engine, resulting in improved fuel economy. This approach thus reduces inadvertent rich operation that would otherwise waste fuel.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows: CO<sub>2</sub> is a greenhouse gas produced as a product of fuel combustion. As explained above and set forth in claim 1, increased accuracy of the fuel injection based on the ethanol content of the port puddles can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO<sub>2</sub>.

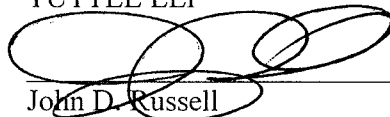
Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing the amount of exhaust emissions,

which negatively impact the quality of the environment. As explained above, operating at less-than-optimal AFR can result in decreased efficiency of conversion of emissions by the exhaust catalyst system. By adjusting the amount of fuel injected based on the ethanol content of the fuel in port puddles, engines operating with multi-component fuel can maintain high catalyst system efficiency, thus lowering exhaust emissions and enhancing the quality of the environment. Furthermore, by reducing inadvertent rich operation that may otherwise occur with an adjustment independent of ethanol content of a port puddle, for example, less HC and/or CO emissions may be generated.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP



John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	12759972			
<b>Filing Date:</b>	14-Apr-2010			
<b>Title of Invention:</b>	Multi-Component Transient Fuel Compensation			
<b>First Named Inventor/Applicant Name:</b>	Mrdjan J. Jankovic			
<b>Filer:</b>	John David Russell/Caitlin Fackrell			
<b>Attorney Docket Number:</b>	83142165			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
Publ. Fee- early, voluntary, or normal	1504	1	300	300
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				300

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	9345163
<b>Application Number:</b>	12759972
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8127
<b>Title of Invention:</b>	Multi-Component Transient Fuel Compensation
<b>First Named Inventor/Applicant Name:</b>	Mrdjan J. Jankovic
<b>Customer Number:</b>	36865
<b>Filer:</b>	John David Russell/Caitlin Fackrell
<b>Filer Authorized By:</b>	John David Russell
<b>Attorney Docket Number:</b>	83142165
<b>Receipt Date:</b>	31-JAN-2011
<b>Filing Date:</b>	14-APR-2010
<b>Time Stamp:</b>	16:43:31
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 300
RAM confirmation Number	4089
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The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for Green Tech Pilot	Petition.pdf	453077  b3677a7f429920035403ae78fe6c16cd5f3307ee	no	4

### Warnings:

### Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	29960  b70d866c74f8e341c4547e63b4940f9870a94469	no	2
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### Warnings:

### Information:

Total Files Size (in bytes):			483037
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,972	04/14/2010	Mrdjan J. Jankovic	83142165	8127
36865 7590 02/04/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205			EXAMINER	
			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			02/04/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
JANKOVIC, MRDJAN J. et al	:	DECISION ON PETITION
Application No. 12/759,972	:	TO MAKE SPECIAL UNDER
Filed: April 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83142165	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 1, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010)..

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to enhance the quality of the environment or materially contribute to greenhouse gas reduction. This is not convincing. For example, it is not clear how the claimed method step of adjusting an amount of a fuel injection to an engine based on an ethanol content will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Mrdjan J. Jankovic et al.  
Application No. : 12/759,972  
Filed : April 14, 2010  
Title : MULTI-COMPONENT TRANSIENT FUEL  
COMPENSATION  
Group Art Unit : 3747  
Confirmation No. : 8127  
Docket No. : 83142165

Commissioner for Patents  
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**CERTIFICATE OF TRANSMISSION**

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March 3, 2011  
Date

Caitlin Faekrell  
Caitlin Faekrell

**REQUEST FOR RECONSIDERATION**

Responsive to the denial of Applicants' Petition under 37 CFR 1.102 filed February 1, 2011, Applicants respectfully request consideration of the following statement explaining how the materiality standard is met to satisfy requirement #4.

**Statement of Facts**

1. Applicants filed a Petition under 37 CFR 1.102 on February 1, 2011 (hereinafter referred to as "the Petition"), to make the subject application special under the pilot program for applications pertaining to Green Technologies.
2. In a Decision on Petition mailed February 4, 2011, the Petition was dismissed as lacking item #4, *i.e.*, failing to include a statement pertaining to the materiality standard. As best understood by Applicants, the statement pertaining to the materiality standard included in the Petition was not accepted as the Office requires clarification on how the invention as claimed meets the materiality standard.

3. By way of this Request for Reconsideration, Applicants provide a revised statement pertaining to the materiality standard.

#### Basis of the Petition

Applicants respectfully request consideration of the following revised statement pertaining to the materiality standard.

First, Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention improves fuel economy by accurately controlling the amount of fuel injected into an engine configured to operate using multi-component fuel, thereby limiting unnecessary fuel injection and thus unnecessary fuel consumption.

Specifically, claim 1 recites:

A method of adjusting fuel injections to an engine, comprising:  
adjusting an amount of a fuel injection to an engine based on an ethanol content of fuel in a port puddle.

The inventors have recognized that the amount of ethanol in the puddle is not necessarily the same as the amount injected due to differences in evaporation from the puddle, for example. As a result, according to prior approaches, simply assuming that the fuel puddle has the same ethanol content as the injected fuel results in an inaccurate estimate of how much fuel is contributed from the puddle to the engine, and thus results in inaccurate fueling. The inaccurate fueling not only can waste fuel (*e.g.*, by inadvertent rich operation), but can increase emissions (*e.g.*, by inadvertent lean or rich operation).

Stated another way, the port puddle may include fuel having two or more components (*e.g.*, gasoline and ethanol). During the intake stroke, the fuel in the port puddle will begin to evaporate. Because the fuel components may have varying volatilities, the components and make-up of the fuel in port puddle may be different than the injected fuel. By specifically considering the ethanol content of the puddle (distinct from the injected fuel) in determining the two or more components of the fuel in the port puddle, properties of each component may be utilized to determine the amount of each

component of fuel evaporated from the port puddle during the intake stroke. As such, the amount of a fuel injection can then be adjusted based on the amount of fuel evaporated.

The approach of claim 1 solves the problem where the amount of puddle evaporation during the intake stroke is inaccurate, thus avoiding over-fueling and under-fueling the cylinder.

Second, Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO<sub>2</sub> is a greenhouse gas produced as a product of fuel combustion. As explained above and set forth in claim 1, increased accuracy of the fuel injection based on the ethanol content of the port puddles can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO<sub>2</sub>.

Third, Applicants submit that the claimed invention materially enhances the quality of the environment by reducing the amount of exhaust emissions, which negatively impact the quality of the environment. Operating at a less-than-optimal air-fuel ratio can result in decreased efficiency of conversion of emissions by the exhaust catalyst system. By adjusting fuel injection based on the ethanol content of the puddle (which is distinct from the ethanol content of the injected fuel itself), it is possible to avoid providing too little or too much injected fuel, thus increasing the efficiency of conversion of emissions by maintaining the proper air-fuel ratio in the exhaust. Thus, by adjusting the amount of fuel injected based on the ethanol content of the fuel in port puddles, the claimed invention allows engines operating with multi-component fuel to maintain high catalyst system efficiency, thus lowering exhaust emissions and enhancing the quality of the environment. Furthermore, by reducing inadvertent rich operation that may otherwise occur with an adjustment independent of ethanol content of a port puddle, for example, less HC and/or CO emissions may be generated.

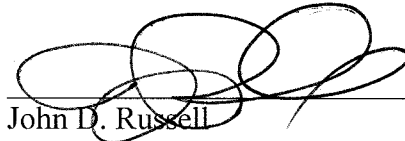
Request for Relief

For the above reasons, Applicants respectfully request reconsideration of the Petition under 37 CFR 1.102 filed February 1, 2011 to make the subject application special under the pilot program for applications pertaining to Green Technologies.

Please charge any cost incurred in the filing of this Request for Reconsideration, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

A handwritten signature in black ink, appearing to read 'John D. Russell', is written over a horizontal line.

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/759,972	04/14/2010	Mrdjan J. Jankovic	83142165	8127

36865 7590 03/16/2011  
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND, OR 97205

EXAMINER
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ART UNIT	PAPER NUMBER
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3747

MAIL DATE	DELIVERY MODE
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03/16/2011

PAPER

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
JANKOVIC, MRDJAN J. et al	:	DECISION ON PETITION
Application No. 12/759,972	:	TO MAKE SPECIAL UNDER
Filed: April 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83142165	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed March 3, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by



a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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**MAILED**

**AUG 18 2011**

**OFFICE OF PETITIONS**

In re Application of  
Nicholas J. Bate, et. al.  
Application No. 12/760,019

Filed: April 14, 2010

Attorney Docket No. 035718/387145

**DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed August 4, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that W. Murray Spruill and the attorneys/agents associated with Customer Number 00826 do not have power of attorney in this patent application, but may have been employed or otherwise engaged in the proceedings in this patent application.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

Additionally, the Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure

that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Further, the request cannot be approved because the requested change in the correspondence address is improper.

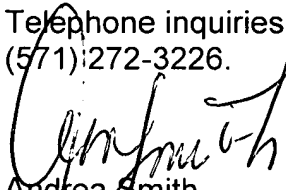
The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b)<sup>1</sup> with the current assignee information of record in the present application, and since the current address information for the first named inventor was not provided, the Office cannot change the correspondence address to the address listed in the Request to Withdraw.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Pioneer Hi-Bred International, Inc.  
7250 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 0552  
Johnston, IA 50131-0552

---

<sup>1</sup> See USPTO Form No. PTO/SB/96.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,052	04/14/2010	Syuuichi KIRA	358203US0	8285
7590 01/24/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NELMS, DAVID C	
			ART UNIT 2871	PAPER NUMBER
			NOTIFICATION DATE 01/24/2011	DELIVERY MODE ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20120221

**DATE** : February 21, 2012

**TO SPE OF** : ART UNIT 2819

**SUBJECT** : Request for Certificate of Correction on Patent No.: 8,022,731

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

**Comments:**

/SHAWKI ISMAIL/  
Supervisory Patent Examiner.Art Unit 2819



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,122	04/14/2010	Peter ELLIS	73840.000005	8423
21967 7590 08/31/2010 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER FLEISCHER, MARK A	
			ART UNIT 3624	PAPER NUMBER
			MAIL DATE 08/31/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON DC 20006-1109

In re application of: : **DECISION ON PETITION**  
Peter ELLIS, et al. : **TO MAKE SPECIAL FOR**  
Application No. 12/760,122 : **NEW APPLICATION**  
Filed: April 14, 2010 : **UNDER 37 CFR 1.102**  
For: SYSTEM AND METHOD FOR PROVIDING  
WEB-BASED MANAGEMENT SOLUTIONS

This is a decision on the petition filed on April 14, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

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The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth



paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1 - II.5.2, II.6.3 and II.6.5.

As to Condition II.5.1, while applicant has searched certain relevant sources of non-patent literature, the Accelerated Examination program has provided search templates indicating recommended non-patent literature sources based on the classification of the application. See the search templates for Class 705 at: <http://www.uspto.gov/web/patents/searchtemplates/class705.htm>

Applicant may satisfy this requirement by employing the recommended non-patent literature sources in an updated search, or by providing a sufficient justification statement explaining that no references more pertinent than those already identified are likely to be found in the eliminated sources.

As to Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. Applicant's search queries are narrow with respect to the concepts, synonyms and truncation (wildcards) used. Initially note that with respect to the Support Document, the searches are not developed regarding the features that are said to be missing from the most closely related prior art. For example, each of the most closely related references is said not to teach that the centralized management module is further configured to manage POS services in at least some of the service facilities. Of the text search queries provided, only L28 of the EAST query appears to address this feature, but does so by using, in relevant part, "service near facility with (point with sale)". This query, however, would miss references where the "service facility" was merely described as the "facility", "spa", "salon", or e.g. any of the list of locations detailed in paragraph [031] of the instant specification, and would miss where the "point with sale" was merely described as a "POS" or as a "sales terminal". Further, the claimed feature of precluding "double-booking" is searched without truncation as (double near2 book) which would not pull references using "double-booking" because of the lack of truncation, and would miss related concepts such as "over-scheduling" or "over-booking", or even if the situation was described in a reference as "duplicate appointments".

Further with respect to Condition II.5.2, the Support Document asserts patentability for certain dependent claim features separate from the patentability of the independent claims. However, the text search queries do not appear to

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address each of these claims. For example in claims 5 and 6, the resource that an appointment request is direct to is a product, item, or room has not been specifically search and is said to be separately patentable.

Applicant should note that the aforementioned examples are not to be construed as a comprehensive list. Applicant should thoroughly develop appropriate search queries encompassing all claimed features asserted as not being present in the art most closely related, including appropriate synonyms and truncation and including the features in the dependent claims that are asserted as separately patentable.

Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following website:

<http://www.uspto.gov/web/patents/accelerated/>

As to Condition II.6.3, the Support Document assert that claims 4, 5, 11 and 12 are separately patentable over the closest prior art of record if the independent claims are not seen to be patentable. However, in the section of the Support Document identifying claim limitations disclosed by the references, note that Loeffen is indicated as teaching all of claims 4, 5, 11 and 12, and Atwood is said to teach all of claims 5 and 12. Finally, note that in the section identifying claim limitations taught by Purohit, "Atwood" is mentioned instead. See e.g. claim 1 limitation (f) and claims 8 and 15 limitations (b)-(d) under the discussion of Purohit.

As to Condition II.6.5, while the Support Document does go into detail of the support for the claims in the "priority document", i.e. parent application 12/250,892, there is no clear indication of support in the instant application. If the same paragraph numbers cited as support with respect to the '892 application hold for the instant application, applicant should so state.

## DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously.

However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

A handwritten signature in black ink, appearing to read 'Robert A. Weinhardt', is written over a horizontal line.

Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/8/30/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,122	04/14/2010	Peter ELLIS	73840.000005	8423
<div>21967      7590      11/15/2010</div> <div>HUNTON &amp; WILLIAMS LLP</div> <div>INTELLECTUAL PROPERTY DEPARTMENT</div> <div>1900 K STREET, N.W.</div> <div>SUITE 1200</div> <div>WASHINGTON, DC 20006-1109</div>				
EXAMINER				
FLEISCHER, MARK A				
ART UNIT		PAPER NUMBER		
3624				
MAIL DATE		DELIVERY MODE		
11/15/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON DC 20006-1109

In re application of: : **DECISION ON PETITION**  
Ellis, Peter, et al. : **TO MAKE SPECIAL FOR**  
Application No.: 12/760,122 : **NEW APPLICATION**  
Filed: April 14, 2010 : **UNDER 37 CFR 1.102**  
For: SYSTEM AND METHOD FOR PROVIDING  
WEB-BASED MANAGEMENT SOLUTIONS

This is a decision on the petition filed on April 14, 2010 and the revised Accelerated Examination Search and Support Documents filed September 30, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

A handwritten signature in black ink, appearing to read 'Robert Weinhardt', is written over a horizontal line.

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/11/12/10



Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/760,125	Confirmation Number	8427	Filing Date	2010-04-14
Attorney Docket Number (optional)	1421-409	Art Unit	1638	Examiner	Eileen OHara
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 85392905				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
William H. Eby

Application No. 12760125

Filed: April 14, 2010

Attorney Docket No. 1421-409

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,125	04/14/2010	William H. Eby	1421-409	8427
32905 7590 07/27/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/27/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/760,125

Filed: April 14, 2010

Attorney Docket No.: 1421-409

: : : : :

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 14, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 14, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,125	04/14/2010	William H. Eby	1421-409	8427
32905 7590 11/10/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/10/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:  
William H. Eby  
Serial No.: 12/760,125  
Filed: April 14, 2010  
Attorney Docket No.: 1421-409

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 28, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 14, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/760,158	Confirmation Number	8495	Filing Date	2010-04-14
Attorney Docket Number (optional)	1421-410	Art Unit	1638	Examiner	Eileen OHara
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 1000680				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
William H. Eby

Application No. 12760158

Filed: April 14, 2010

Attorney Docket No. 1421-410

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:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,158	04/14/2010	William H. Eby	1421-410	8495
32905 7590 08/03/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 08/03/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/760,158 : PETITION DECISION  
 Filed: April 14, 2010 :  
 Attorney Docket No.: 1421-410

This is in response to the petition under 37 CFR § 1.59(b), filed July 19, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 19, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,158	04/14/2010	William H. Eby	1421-410	8495
32905	7590	11/10/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/10/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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NOV 10 2011

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/760,158

Filed: April 14, 2010

Attorney Docket No.: 1421-410

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: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 28, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 19, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,164	04/14/2010	Brian S. Merrow	18523-0097002 / 2182-US-C	8510
26173 7590 08/19/2010 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER ISLA RODAS, RICHARD	
			ART UNIT 2829	PAPER NUMBER
			NOTIFICATION DATE 08/19/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



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FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

In re Application of:  
MERROW et al.  
Serial No.: 12/760,164  
Filed: April 14, 2010  
Title: CONDUCTIVE HEATING

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: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed July 26, 2010. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on June 24, 2010.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.



3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

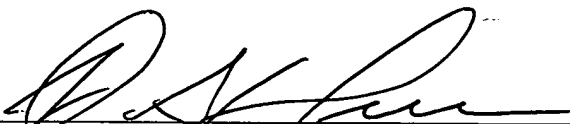
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

  
\_\_\_\_\_  
Jose G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,172	04/14/2010	Devon A. Rolf	41326-CNT	8521

7590 08/02/2010  
Hovey Williams LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park, KS 66210

EXAMINER
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ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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08/02/2010

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)  
*The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,172	04/14/2010	Devon A. Rolf	41326-CNT	8521

7590 08/02/2010  
Hovey Williams LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park, KS 66210

EXAMINER
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ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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08/02/2010

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Sarmes*  
Patent Publication Branch  
Office of Data Management

Adjustment date: 08/04/2010 WFA:TER  
08/10/2010 INTERFAC 00012710 1905E2 12760172  
22 FC:2111 270.33 CR  
24 FC:220E 132.03 CR

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/760,179	Confirmation Number	8537	Filing Date	2010-04-14
Attorney Docket Number (optional)	1421-411	Art Unit	1638	Examiner	Eileen OHara
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 81180925				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
William H. Eby

Application No. 12760179

Filed: April 14, 2010

Attorney Docket No. 1421-411

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,179	04/14/2010	William H. Eby	1421-411	8537
32905	7590	07/28/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/28/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com





## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 28 2011

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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/760,179 : PETITION DECISION  
 Filed: April 14, 2010 :  
 Attorney Docket No.: 1421-411 :

This is in response to the petition under 37 CFR § 1.59(b), filed July 18, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 18, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,179	04/14/2010	William H. Eby	1421-411	8537
32905	7590	11/10/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/10/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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NOV 10 2011

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:  
William H. Eby  
Serial No.: 12/760,179  
Filed: April 14, 2010  
Attorney Docket No.: **1421-411**

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 27, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 18, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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NOVOZYMES, INC.  
1445 DREW AVE  
DAVIS CA 95618

**MAILED**

**MAR 19 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
Brown et al.	:	
Application No. 12/760,186	:	DECISION GRANTING PETITION
Filed: 04/14/2010	:	
Attorney Docket No. 10587-US-DIV[2]	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 22, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional application.

The petition is **GRANTED**.

A petition for acceptance of an unintentionally delay claim under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to claim benefit of the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the benefit claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1657 for consideration by the Examiner of petitioners' entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed nonprovisional application.

/Christina Tartera Donnell/

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(e) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/760,186	04/14/2010	1657	1802	10587-US-DIV[2]	20	1

CONFIRMATION NO. 8554

CORRECTED FILING RECEIPT



OC000000053191070

25907  
NOVOZYMES, INC.  
1445 DREW AVE  
DAVIS, CA 95618

Date Mailed: 03/19/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

KIMBERLY BROWN, ELK GROVE, CA;  
PAUL HARRIS, CARNATION, WA;  
ELIZABETH ZARETSKY, RENO, NV;  
EDWARD RE, DAVIS, CA;  
ELENA VLASENKO, DAVIS, CA;  
KEITH MCFARLAND, DAVIS, CA;  
ALFREDO LOPEZ DE LEON, DAVIS, CA;

**Assignment For Published Patent Application**

NOVOZYMES, INC., DAVIS, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 25907

**Domestic Priority data as claimed by applicant**

This application is a DIV of 12/053,193 03/21/2008 PAT 7741466  
which is a DIV of 11/046,124 01/28/2005 PAT 7361495  
which claims benefit of 60/540,661 01/30/2004

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 04/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/760,186**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request: No**  
**Title**

Polypeptides having cellulolytic enhancing activity and nucleic acids encoding same

**Preliminary Class**

530

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

## **LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 54960

Application Number  
(if known): 12/760,197

Filing date: 4/14/2010

First Named  
Inventor: Hum

Title: Mounting Fixture for LED Lighting Modules

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**


This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: \_\_\_\_\_

Signature 	Date November 18, 2010
Name (Print/Typed) Calvin B. Ward	Registration Number 30,896
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT APPLICATION

Attorney Docket: 54960

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Hum, David	
Serial No.:	12/760,197	
Filed:	4/14/2010	
For:	Mounting Fixture for LED Lighting Modules	
Group Art Unit:	not yet assigned	Examiner: not yet assigned

**STATEMENT OF SPECIAL STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits that the above-identified patent application should be afforded special status under the green technology pilot program as pertaining to energy conservation. Applicant suggests the classification 257/79 as an appropriate classification for this application, as the subject matter of the invention specifically concerns light emitting diode structures, which are not only active solid state devices, as covered by classification 257, but also incoherent light emitters, as covered by sub-classification 79.

Respectfully Submitted,



Calvin B. Ward  
Registration No. 30,896  
Date November 18, 2010

18 Crow Canyon Court, Suite 305  
San Ramon, CA 94583  
Telephone (925) 855-0413  
Telefax (925) 855-9214



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,197	04/14/2010	David Hum	54960	8570
28241	7590	11/30/2010		
THE LAW OFFICES OF CALVIN B. WARD 18 CROW CANYON COURT, SUITE 305 SAN RAMON, CA 94583			EXAMINER MAY, ROBERT J	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 11/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

In re Application of	:	
David HUM	:	DECISION ON PETITION
Application No. 12/760,197	:	TO MAKE SPECIAL UNDER
Filed: April 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54960	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

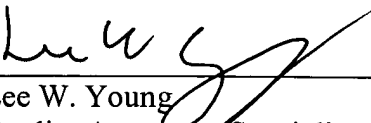
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to energy conservation. Specifically, the petition indicates that the present invention relates to light emitting diode structures. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to energy conservation. The claims are directed to a mounting fixture. Any argument that the claimed invention can be used with light emitting diode structures is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2885 for action in its regular turn.



---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON, CA 94583

**MAILED**

**DEC 13 2010**

**OFFICE OF PETITIONS**

In re Application of  
**David HUM**  
Application No. 12/760,197  
Filed: April 14, 2010  
Attorney Docket No. **54960**

NOTICE UNDER 37 CFR 1.28(C)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Hum, David	
Serial No.:	12/760,197	
Filed:	4/14/2010	
For:	Mounting Fixture for LED Lighting Modules	
Group Art Unit:	not yet assigned	Examiner: not yet assigned

**REQUEST FOR RECONSIDERATION / STATEMENT OF SPECIAL STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests reconsideration of the decision dated 11/30/2010 to deny special status for the above-identified patent application under the green technology pilot program as pertaining to energy conservation.

Applicant had previously suggested the classification 257/79 as appropriate for this application, as the subject matter of the invention specifically concerns light emitting diode structures, which are not only active solid state devices, as covered by classification 257, but also incoherent light emitters, as covered by sub-classification 79. The above referenced decision stated that the item 4 materiality standard was not met, as the claims are directed to a mounting fixture whose end-use with light emitting diode structures was "hypothetical". Applicant submits that the title, background, summary, detailed description and abstract of the specification of the invention make it very clear that the claimed fixture is specifically designed and adapted to receive an LED module. This use with LEDs is the prime purpose of the claimed invention. Accordingly, Applicant maintains that the above noted LED-related classifications would be appropriate, and requests that special status be granted to this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Calvin B. Ward". The signature is fluid and cursive, with the first name "Calvin" being more prominent.

Calvin B. Ward  
Registration No. 30,896  
Date December 29, 2010

18 Crow Canyon Court, Suite 305  
San Ramon, CA 94583  
Telephone (925) 855-0413  
Telefax (925) 855-9214





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,197	04/14/2010	David Hum	54960	8570
28241 7590 01/12/2011 THE LAW OFFICES OF CALVIN B. WARD 18 CROW CANYON COURT, SUITE 305 SAN RAMON, CA 94583			EXAMINER MAY, ROBERT J	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 01/12/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

In re Application of	:	
David HUM	:	DECISION ON PETITION
Application No. 12/760,197	:	TO MAKE SPECIAL UNDER
Filed: April 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54960	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2010 and renewed on December 29, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

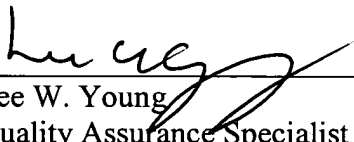
The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The renewed petition includes a statement identifying the basis for the special status as contributing to energy conservation. The renewed petition further argues a suggested classification and that the title, background, summary, detailed description and abstract of the specification of the invention make it very clear that the claimed fixture is specifically designed and adapted to receive an LED module. It should be noted that the classification requirement for this pilot was removed by 75 Federal Register Notice 28554 (May 21, 2010). Irrespective of any support in the title, background, summary, detailed description and abstract of the specification, the pilot requires the claimed invention to be directed to the green technology and does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to energy conservation. The instant claims are directed to a mounting fixture. Any argument that the claimed invention can be used with light emitting diode structures is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2885 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

**MAILED**

**JAN 24 2012**

**OFFICE OF PETITIONS**

In re Application of  
Carl Ernest Kent  
Application No. 12/760,202  
Filed: April 14, 2010  
Attorney Docket No. 15136.0007USU1

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 4, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Julie R. Daulton on behalf of all attorneys of record who are associated with customer No. 23552. All attorneys/agents associated with the Customer Number 23552 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: CARL E. KENT  
825 PROVIDENCE DRIVE  
SHAKOPEE, MN 55379



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/760,202	04/14/2010	Carl Ernest Kent	15136.0007USU1

**CONFIRMATION NO. 8584**

## POWER OF ATTORNEY NOTICE



OC000000052011746

Date Mailed: 01/17/2012

23552  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/04/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/760,207	Confirmation Number	8600	Filing Date	2010-04-14
Attorney Docket Number (optional)	1421-412	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090251				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12760207

Filed: April 14, 2010

Attorney Docket No. 1421-412

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,207	04/14/2010	William H. Eby	1421-412	8600
32905 7590 07/01/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/01/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL - 1 2011

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
William H. Eby :  
Serial No.: 12/760,207 : PETITION DECISION  
Filed: April 14, 2010 :  
Attorney Docket No.: 1421-412

This is in response to the petition under 37 CFR § 1.59(b), filed June 17, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 17, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,207	04/14/2010	William H. Eby	1421-412	8600
32905 7590 08/31/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 08/31/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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AUG 31 2011

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/760,207

Filed: April 14, 2010

Attorney Docket No.: 1421-412

:  
:  
: PETITION DECISION  
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This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 17, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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United States Patent and Trademark Office  
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P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,207	04/14/2010	William H. Eby	1421-412	8600
32905	7590	09/02/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C.			WORLEY, CATHY KINGDON	
858 HAPPY CANYON ROAD, SUITE 230			ART UNIT	PAPER NUMBER
CASTLE ROCK, CO 80108			1638	
			NOTIFICATION DATE	DELIVERY MODE
			09/02/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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SEP 02 2011

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Alexandria, VA 22313-1450  
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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/760,207

Filed: April 14, 2010

Attorney Docket No.: 1421-412

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: PETITION DECISION  
:  
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This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 17, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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BROOK MOLLA  
13550 WASHINGTON STREET  
UNIT 7D  
THORNTON CO 82041

**MAILED**

**MAR 15 2011**

**OFFICE OF PETITIONS**

In re Application of  
Toma Bedolla et al.  
Application No. 12/760,216  
Filed: April 14, 2010  
Title of Invention: METHOD FOR SCORING  
CONTENT OF NODES IN A DATABASE

ON PETITION

This is a decision on the petition filed February 7, 2011 under 37 CFR 1.137(b), to revive the above-identified application.


The petition is **GRANTED**.

The instant application became abandoned on July 1, 2010, for failure to timely reply to the Notice to File Missing Parts, mailed April 30, 2010, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed January 19, 2011.

The filing of the response to the Notice to File Missing Parts mailed April 30, 2010 is acknowledged.

All other requirements having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

  
Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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THE ECLIPSE GROUP LLP  
6345 BALBOA BLVD., SUITE 325  
ENCINO CA 91316

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :  
Martin Opitz :  
Application No. 12/760,220 : DECISION ON REQUEST FOR REFUND  
Filed: April 14, 2010 :  
Attorney Docket No. HI09087C1 :  
(P04115USC) :

This is a decision on the Request For Refund received October 25, 2010.

The request is **GRANTED** in-part.

Applicant request a refund in the amount of \$1,220.00 of the fee paid on June 28, 2010, and states that "On April 14, 2010, we electronically filed the above-identified application **without fees** at 16:57:47 and received U.S. Patent Application 12/760,220. We then electronically filed the same application at 17:08:57 **with fees** and received U.S. Patent Application Serial No. 12/760,243. Because we did not initially catch this error, we filed a Response to the Notice to File Missing Parts on June 28, 2010 for U.S. Patent Application 12/760,220 and submitted the amount of \$1,220.00. Applicant further states that "To correct the error of having two identical applications being record, we are expressly abandoning U.S. Application Serial No. 12/760,220 and maintaining U.S. Patent Application Serial No. 12/760,243."

However, the request for refund was not filed within three months from the filing date of the first application receiving an appropriate acknowledgement on June 28, 2010.

Applicant is also encouraged to note MPEP 607.02 which states:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 41(d).

37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.



In view of the above, applicant is only entitled to a refund of the search fee (\$540.00), since no excess claim fee exists. Therefore, a total of \$540.00 is being refunded to applicant's credit card account, as it is the method in which the fee was paid.

As no further action will be taken in this application, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12760230

Filed: April 14, 2010

Attorney Docket No. 1421-413

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/760,230	Confirmation Number	8646	Filing Date	2010-04-14
Attorney Docket Number (optional)	1421-413	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 88211855				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,230	04/14/2010	William H. Eby	1421-413	8646
32905	7590	11/01/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C.			KALLIS, RUSSELL	
858 HAPPY CANYON ROAD, SUITE 230			ART UNIT	PAPER NUMBER
CASTLE ROCK, CO 80108			1638	
			NOTIFICATION DATE	DELIVERY MODE
			11/01/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/760,230 : PETITION DECISION  
 Filed: April 14, 2010 :  
 Attorney Docket No.: 1421-413

This is in response to the petition under 37 CFR § 1.59(b), filed July 27, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 27, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,230	04/14/2010	William H. Eby	1421-413	8646
32905 7590 12/28/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 12/28/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/760,230

Filed: April 14, 2010

Attorney Docket No.: 1421-413

:  
:  
: PETITION DECISION  
:  
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This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 13, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 27, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600





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Workman Nydegger  
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60 East South Temple  
Salt Lake City, UT 84111

**MAILED**

NOV 10 2011

**OFFICE OF PETITIONS**

In re Application of Yong et al. :  
Application No. 12/760,239 :  
Filing Date: April 14, 2010 :  
Attorney Docket No. 17762.14 :  
Pub. No.: US 2010/0320427 A1 :  
Pub. Date: December 23, 2010 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 23, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

[Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a “material” mistake if the mistake affects the public’s ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The failure to include changes made by the preliminary amendment filed June 28, 2010, was not Office error. Specifically, a copy of the application, as amended, was not submitted in

<sup>1</sup> See Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). See also Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

compliance with 37 C.F.R. § 1.215(c) and, although 37 C.F.R. § 1.215(a) provides the Office with the discretion to include changes made by a preliminary amendment in a publication when certain criteria are satisfied, it does not require the Office to include such changes in the publication. Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a “request for republication of an application previously published” may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office’s electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

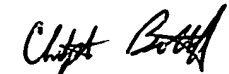
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a “Pre-Grant Publication” and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to:     Mail Stop PGPUB  
                    Commissioner for Patents  
                    P.O. Box 1450  
                    Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
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www.uspto.gov

**W.EDWARD RAMAGE  
COMMERCE CENTER  
SUITE 1000  
NASHVILLE, TN 37201**

**MAILED**

**MAY 09 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Kristen L. Thurman	:	
Application No. 12/760,244	:	DECISION ON PETITION
Filed: April 14, 2010	:	TO WITHDRAW
Attorney Docket No. 21351.00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by W. Edward Ramage on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Troy Ussery at the address indicated below.

There is an outstanding Office action mailed April 28, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Pankaj B. Dalal**  
**1150-01 Sutter Avenue**  
**South Ozone Park, NY 11420**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/760,244	04/14/2010	KRISTEN L. THURMAN	21351.00

**CONFIRMATION NO. 8665**

**POWER OF ATTORNEY NOTICE**



OC000000047508137

44777  
W. EDWARD RAMAGE  
COMMERCE CENTER SUITE 1000  
211 COMMERCE ST  
NASHVILLE, TN 37201

Date Mailed: 05/05/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/23/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/760,264	Confirmation Number	8691	Filing Date	2010-04-14
Attorney Docket Number (optional)	1421-414	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090254				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12760264

Filed: April 14, 2010

Attorney Docket No. 1421-414

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,264	04/14/2010	William H. Eby	1421-414	8691
32905 7590 08/08/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 08/08/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/760,264

Filed: April 14, 2010

Attorney Docket No.: 1421-414

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 :  
 : PETITION DECISION  
 :

This is in response to the petition under 37 CFR § 1.59(b), filed July 27, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 27, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,264	04/14/2010	William H. Eby	1421-414	8691
32905 7590 10/04/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 10/04/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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OCT 04 2011

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/760,264

Filed: April 14, 2010

Attorney Docket No.: 1421-414

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 30, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 27, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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IRVINE CA 92614

**MAILED**

**NOV 04 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,806,734 :  
Issued: 10/05/2010 :  
Application No. 12/760,290 :  
Filed: 04/14/2010 :  
Attorney Docket No. 18306-279 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 13, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,305	04/14/2010	Brian S. Merrow	18523-0098002 / 2183-US-C	8778
26173	7590	08/19/2010	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BUI, HUNG S	
			ART UNIT	PAPER NUMBER
			2841	
			NOTIFICATION DATE	DELIVERY MODE
			08/19/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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PATDOCTC@fr.com



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FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

In re Application of:	:	
MERROW et al.	:	DECISION ON PETITION TO
Serial No.: 12/760,305	:	MAKE SPECIAL FOR NEW
Filed: April 14, 2010	:	APPLICATION UNDER 37
Title: STORAGE DEVICE TEMPERATURE	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
SENSING	:	

This is a decision on the petition filed on April 14, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

#### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:
- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
  - 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
  - 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
  - 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
  - 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and
  - 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).



## REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsections 5 and 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 5.1, it appears the search outlined in the petition omitted critical search areas by not searching in class 324 subclasses 755, 758.1 and 763 and class 439 subclasses 65, 66 and 482 at a minimum to include fault detecting of electrical components. Any renewed petition should include the above outlined additional searching.

Regarding the requirements of section II, subsection 6.3, petitioner does not specifically point out the particular language of the claims that distinguishes over the references. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references with particularity required by 37 CFR 1.111(b) and (c) and not merely state that the references do not disclose the claim limitations. 37 CFR § 1.111 (b) states “[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.” 37 CFR § 1.111 (c) states in part “the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.” The IDS submitted with the petition lists 20 U.S. patents and U.S. pre-grant patent publications and 1 non-patent reference search report. The support document, however, discusses only the U.S. patents and U.S. pre-grant patent publications. Each reference should be discussed indicating what it does disclose and then a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). For these reasons, the petition does not meet the requirement of section II, subsections 6.3.

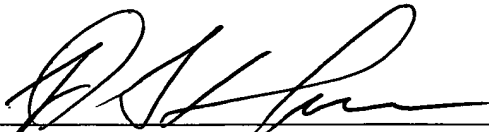
## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



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Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,305	04/14/2010	Brian S. Merrow	18523-0098002 / 2183-US-C	8778
26173	7590	10/14/2010	EXAMINER	
FISH & RICHARDSON P.C.			BUI, HUNG S	
P.O. BOX 1022			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55440-1022			2835	
			NOTIFICATION DATE	DELIVERY MODE
			10/14/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

In re Application of:  
MERROW et al.  
Serial No.: 12/760,305  
Filed: April 14, 2010  
Title: STORAGE DEVICE TEMPERATURE SENSING

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed September 17, 2010. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on August 19, 2010.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

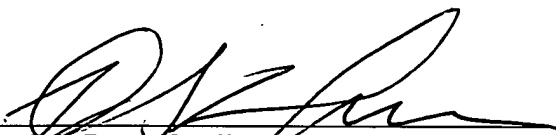
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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Alexandria, VA 22313-1450  
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**CHRISTOPHER PARADIES, PH.D.  
FOWLER WHITE BOGGS P.A.  
501 E KENNEDY BLVD., STE. 1700  
TAMPA FL 33602**

**MAILED  
OCT 12 2010  
OFFICE OF PETITIONS**

In re Application of	:	
R. Barry Stem et al	:	DECISION GRANTING STATUS
Application No. 12/760,334	:	UNDER 37 CFR 1.47(a)
Filed: April 14, 2010	:	
Attorney Docket No. 107-4258 (02PV- UT)	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 29, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Application No. 12/760,334

-2-

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions





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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**DEC 20 2010**

In re Application of :  
Thomas Lawrence ZAMPINI II, et al :  
Application No. 12/760,362 :  
Filed: April 14, 2010 :  
Attorney Docket No. 2007719-0029 (12S-002CON) :

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 24, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

The request cannot be approved because the change of correspondence address is to a new practitioner or law firm, however, is not accompanied by a proper power of attorney.

Additionally, the request cannot be approved because the change of correspondence address is to a new practitioner or law firm, however, is not accompanied by a proper power of attorney.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20111203

**DATE** : December 03, 2011

**TO SPE OF** : ART UNIT 1621

**SUBJECT** : Request for Certificate of Correction on Patent No.: 8039668

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

**Comments:**

The amendment to add priority reference to prior filed provisional applications after issue is improper because this reference must be submitted during the pendency of the later filed application. See Rule 1.78(a)(5)(ii).

/DANIEL SULLIVAN/  
Supervisory Patent Examiner.Art Unit 1621

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,457	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030643

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/760,457
First Named Inventor:	David L. Felker

- ☒

Is attached

7

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.

11

Have already been filed in the above-identified U.S. application on

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,457	04/14/2010	David L. Felker	117439-015UTL	9083
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER TRIMIEW, RAEANN	
			ART UNIT 3711	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,457	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-015UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,463	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030643

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,463
First Named Inventor:	David L. Felker

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,463	04/14/2010	David L. Felker	117439-017UTL	9092
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER TRIMIEW, RAEANN	
			ART UNIT 3711	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,463	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-017UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,466	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EFIS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030643

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



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c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,466
First Named Inventor:	David L. Felker

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,466	04/14/2010	David L. Felker	117439-018UTL	9097
27189	7590	02/15/2011		
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP			EXAMINER	
525 B STREET			TRIMIEW, RAEANN	
SUITE 2200			ART UNIT	PAPER NUMBER
SAN DIEGO, CA 92101			3711	
			NOTIFICATION DATE	DELIVERY MODE
			02/15/2011	ELECTRONIC

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docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,466	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-018UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,469	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EFSS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030643

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

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b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



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# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,469
First Named Inventor:	David L. Felker

- ☒ Is attached
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- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,469	04/14/2010	David L. Felker	117439-019UTL	9101

27189	7590	02/15/2011
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP		
525 B STREET		
SUITE 2200		
SAN DIEGO, CA 92101		

EXAMINER	
TRIMIEW, RAEANN	

ART UNIT	PAPER NUMBER
3711	

NOTIFICATION DATE	DELIVERY MODE
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,469	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-019UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
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In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,470	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

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**The corresponding PCT application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

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# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,470
First Named Inventor:	David L. Felker

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Application No. 12/760,470	:	PARTICIPATE IN PATENT
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Attorney Docket No. 117439-020UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

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This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,471	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/760,471
First Named Inventor:	David L. Felker

- ☒

Is attached

7

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.

11

Have already been filed in the above-identified U.S. application on

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,471	04/14/2010	David L. Felker	117439-021UTL	9105
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER TRIMIEW, RAEANN	
			ART UNIT 3711	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,471	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-021UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,473	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

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ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding  
PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
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Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
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language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/760,473
First Named Inventor:	David L. Felker

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Is attached

9

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.

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Have already been filed in the above-identified U.S. application on

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,473	04/14/2010	David L. Felker	117439-022UTL	9107
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER TRIMIEW, RAEANN	
			ART UNIT 3711	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

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docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,473	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-021UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
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In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,475	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
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**The corresponding PCT application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

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# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/760,475
First Named Inventor:	David L. Felker

- ☒

Is attached

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[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,475	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-023UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,478	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding  
PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,478
First Named Inventor:	David L. Felker

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,478	04/14/2010	David L. Felker	117439-024UTL	9116
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101				
			EXAMINER TRIMIEW, RAEANN	
			ART UNIT 3711	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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United States Patent and Trademark Office  
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,478	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-024UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

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This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,480	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

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**The corresponding PCT application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

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Application No.:	12/760,480
First Named Inventor:	David L. Felker

- ☒ Is attached
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[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,480	04/14/2010	David L. Felker	117439-025UTL	9119

27189	7590	02/15/2011
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP		
525 B STREET		
SUITE 2200		
SAN DIEGO, CA 92101		

EXAMINER	
TRIMIEW, RAEANN	

ART UNIT	PAPER NUMBER
3711	

NOTIFICATION DATE	DELIVERY MODE
02/15/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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docketing@procopio.com  
PTONotifications@procopio.com



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525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,480	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-025UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

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Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,482	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

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**The corresponding PCT application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding PCT application(s) is/are:**

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# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,482
First Named Inventor:	David L. Felker

- ☒ Is attached
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[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,482	04/14/2010	David L. Felker	117439-026UTL	9122

27189	7590	02/15/2011
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP		
525 B STREET		
SUITE 2200		
SAN DIEGO, CA 92101		

EXAMINER	
TRIMIEW, RAEANN	

ART UNIT	PAPER NUMBER
3711	

NOTIFICATION DATE	DELIVERY MODE
02/15/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,482	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-026UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,483	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030648

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,483
First Named Inventor:	David L. Felker

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,483	04/14/2010	David L. Felker	117439-027UTL	9124
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER TRIMIEW, RAEANN	
			ART UNIT 3711	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,483	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-027UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
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- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,484	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

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The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030641

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

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Is attached.



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b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



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c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/760,484
First Named Inventor:	David L. Felker

- ☒

Is attached

1

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.

11

Have already been filed in the above-identified U.S. application on

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,484	04/14/2010	David L. Felker	117439-028UTL	9125

27189	7590	02/15/2011
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP		
525 B STREET		
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EXAMINER	
TRIMIEW, RAEANN	

ART UNIT	PAPER NUMBER
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SUITE 2200  
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In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,484	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-028UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

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A grantable request to participate in the PPH program and petition to make special require:

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In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,486	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

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**The corresponding PCT application number(s) is/are:** PCT/US2010/030641

**The international filing date of the corresponding PCT application(s) is/are:**

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## I. List of Required Documents:

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b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



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# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,486
First Named Inventor:	David L. Felker

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,486	04/14/2010	David L. Felker	117439-029UTL	9127
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER TRIMIEW, RAEANN	
			ART UNIT 3711	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,486	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-029UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,487	Filing date:	April 14, 2010
First Named Inventor:	David L. Felker		
Title of the Invention:	A LOW LIFT GOLF BALL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFBS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/030641

**The international filing date of the corresponding PCT application(s) is/are:**

April 9, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/760,487
First Named Inventor:	David L. Felker

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/Katherine Proctor/</i>	Date February 9, 2011
Name (Print/Typed) <b>Katherine Proctor</b>	Registration Number <b>31,468</b>



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,487	04/14/2010	David L. Felker	117439-030UTL	9128
<div>27189      7590      02/15/2011 PROCOPIO, CORY, HARGREAVES &amp; SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101</div>				
			<div>EXAMINER TRIMIEW, RAEANN</div>	
			<div>ART UNIT 3711</div>	<div>PAPER NUMBER</div>
			<div>NOTIFICATION DATE 02/15/2011</div>	<div>DELIVERY MODE ELECTRONIC</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTONotifications@procopio.com



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
FELKER, DAVID L. et al	:	DECISION ON REQUEST TO
Application No. 12/760,487	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 117439-030UTL	:	PROGRAM AND PETITION
Title: LOW LIFT GOLF BALL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Eugene Kim, the SPE of Art Unit 3711 at 571-272-4463 for Class 473/384 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

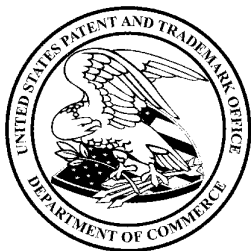
Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



## UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

Decision Date : October 12,2011

In re Application of :

William RUTTER

Application No : 12760518

Filed : 14-Apr-2010

Attorney Docket No : 658412000100

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 12,2011

The request is **APPROVED**.

The request was signed by Mika Mayer (registration no. 47777 ) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name ReLIA Diagnostic Systems, Inc.

Name2

Address 1 1700 Owens Street, Suite 515

Address 2

City San Francisco

State CA

Postal Code 94158

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12760518	
Filing Date	14-Apr-2010	
First Named Inventor	William RUTTER	
Art Unit	1641	
Examiner Name	BAO THUY NGUYEN	
Attorney Docket Number	658412000100	
Title	DIAGNOSTIC DEVICES AND RELATED METHODS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">25226</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	ReLIA Diagnostic Systems, Inc.	
Address	1700 Owens Street, Suite 515	
City	San Francisco	
State	CA	
Postal Code	94158	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Mika Mayer/
Name	Mika Mayer
Registration Number	47777



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**HOLLAND & HART, LLP**  
**P.O BOX 8749**  
**DENVER CO 80201**

**MAILED**

**JUN 07 2011**

**OFFICE OF PETITIONS**

In re Application of :

**BROZ, Jerry J. et al.** :

Application No. 12/760,543 :

Filed: April 14, 2010 :

Attorney Docket No. **73924.0003** :

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 23, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.


A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Alan E. Humphrey attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1711 for action on the merits commensurate with this decision.

  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



## CLAIMS

Claim 1. (Original) A microfluidic bubble fuse, comprising:

a substrate having a hermetically sealed reservoir defined therein and containing an electrically conductive fluid disposed therein; and

a pair of electrodes terminating on either side of the hermetically sealed reservoir, each of the pair of electrodes being in contact with the electrically conductive fluid disposed within the hermetically sealed reservoir but not directly in contact with each other such that electrical connectivity between the electrodes requires electricity to pass from one of the electrodes, through the electrically conductive fluid, to the other electrode;

wherein, upon application of an electrical field across the electrodes in excess of expected electrical operating conditions a bubble will form in the electrically conductive fluid to reduce the flow of electricity between the electrodes.

Claim 2. (Original) The microfluidic bubble fuse of claim 1, wherein the hermetically sealed reservoir is defined as a reservoir within the substrate, and a film is used to hermetically seal the reservoir with the electrically conductive fluid disposed therein.

Claim 3. (Original) The microfluidic bubble fuse of claim 2, wherein the film is a polydimethylsiloxane film.

Claim 4. (Original) The microfluidic bubble fuse of claim 1, wherein each of the electrodes extends a particular distance into the hermetically sealed reservoir.

Claim 5. (Original) The microfluidic bubble fuse of claim 1, wherein at least one end of one of the electrodes is serrated to form points.

Claim 6. (Original) The microfluidic bubble fuse of claim 1, wherein at least one end of one of the electrodes is undulated to form at least one bump.

Claim 7. (Original) The microfluidic bubble fuse of claim 1, wherein at least one end of one of the electrodes is undulated to form at least one bump.

Claim 8. (Original) The microfluidic bubble fuse of claim 1, wherein the substrate is silicon.

Claim 9. (Original) The microfluidic bubble fuse of claim 1, further comprising a second pair of electrodes terminating on either side of the hermetically sealed reservoir, each of the pair of electrodes being in contact with the electrically conductive fluid disposed within the hermetically sealed reservoir but not directly in contact with each other such that electrical connectivity between the electrodes requires electricity to pass from one of the electrodes, through the electrically conductive fluid, to the other electrode.

Claim 10. (Original) The microfluidic bubble fuse of claim 9, wherein during normal operation a second bubble will be formed between the second pair of electrodes.

Claim 11. (Original) The microfluidic bubble fuse of claim 10,  
wherein, upon application of the electrical field across the electrodes in excess of expected electrical operating conditions, the second bubble will collapse.

Claim 12. (Original) A Bussman fuse, comprising:

- a non-electrically conductive tube;

- a pair of electrical contacts, one of the electrical contacts being formed on one end of the glass tube and another of the electrical contacts being formed on the other end of the glass tube;

- a first electrode extending in from a first of the electrical contacts;

- a second electrode extending in from a second of the electrical contacts, the first and second electrodes facing each other across a gap;

- an electrically conductive liquid contained within the glass tube and filling the gap to provide electrical connection between the electrodes;

- wherein, upon application of an electrical field across the electrodes in excess of expected electrical operating conditions, a bubble will form in the electrically conductive fluid to reduce the flow of electricity between the electrodes.

Claim 13. (Original) The Bussman fuse of claim 12, further comprising a first insulator surrounding the first electrode and a second insulator surrounding the second electrode.

Claim 14. (Original) The Bussman fuse of claim 12, wherein the electrically conductive liquid contained within the glass tube only partially fills the tube.

Claim 15. (Original) The Bussman fuse of claim 12, wherein the electrically conductive liquid contained within the glass tube completely fills the tube.

Claim 16. (Original) A method of protecting an electrical circuit from an over-current condition, the method comprising the steps of:

- creating a reservoir in a substrate;
- forming electrodes on the substrate to contact the reservoir;
- filling the reservoir with an electrically conductive liquid;
- hermetically sealing the electrically conductive liquid in the reservoir; and
- interposing the reservoir in an electrical path between a power supply and an electrical circuit to protect the electrical circuit from overcurrent condition from the power supply.

## REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/760,599	Filing date:	April 15, 2010
First Named Inventor:	Daniel P. Kowalik		
Title of the Invention: Micro-Fluidic Bubble Fuse			

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2008/081245

**The international date of the corresponding PCT application(s) is/are:** 27 October 2008 (27.10.2008)

### I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/760,599

First Named Inventor: Daniel Kowalik

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /John C. Gorecki/

Date 12/9/2010

Name  
(Print/Typed) John C. Gorecki

Registration Number 38471

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,599	04/15/2010	Daniel P. Kowalik	DK00201	9393

34645	7590	01/28/2011
Anderson Gorecki & Manaras, LLP		
Attn: John C. Gorecki		
P.O BOX 553		
CARLISLE, MA 01741		

EXAMINER	
THOMAS, BRADLEY H	

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
01/28/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

john@gorecki.us  
jgorecki@smmalaw.com  
officeadmin@smmalaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Anderson Gorecki & Manaras, LLP**  
**Attn: John C. Gorecki**  
**P.O BOX 553**  
**CARLISLE MA 01741**

**In re Application of**  
**Daniel P. KOWALIK**  
**Application No.: 12/760,599**  
**Filed: 15 April 2010**  
**Attorney Docket No.: DK00201**  
**For: MICRO-FLUIDIC BUBBLE FUSE**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 09 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;



(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

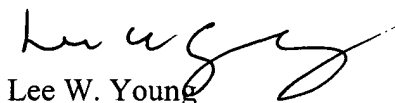
(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: Houtz

Application Number  
(if known): 12/760,602

Filing date: 4/15/10

First Named  
Inventor: Scott Houtz

Title: Sustainable Waste Heat Management System

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).**

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: STATEMENTS OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Signature /Andrea H. Evans, Esq/

Date 1/26/2011

Name  
(Print/Typed) Andrea H. Evans, Esq.

Registration Number 54,855

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/oqsheet.html>):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.
- (3) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (4) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.
- (5) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (6) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (7) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Scott Houtz  
Attorney Docket No.: Scott Houtz  
Serial No.: 12/760,602  
Filed: April 15, 2010  
Examiner: Not Assigned

**STATEMENTS OF SPECIAL STATUS FOR ELIGIBILITY**  
**REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Dear Sir:

The following requirements are met regarding Special Status for accelerated examination for the application, filed herewith. As set forth in the Fed Reg Notice of November 10, 2010, Applicants whose petitions were dismissed or denied solely on the basis that their applications were not filed before December 8, 2009, may file a renewed petition. On May 5, 2010, the Decision on Petition to Make Special Under the Green Technology Pilot Program was DENIED since the application was not filed before December 8, 2009. Thus, a renewed petition is filed herewith for your consideration.

1. The application is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371.
2. The application is classified in one of the U.S. classifications listed in section VI of this notice at the time of examination. Specifically, the application is classified in Class 110, Subclass 345: Furnaces; Exhaust gas e.g. pollution control. (Environmental Purification, Protection or Remediation).
3. The application contains three or fewer independent claims and twenty or fewer total claims. The application does not contain any multiple dependent claims.
4. The claims are directed to a single invention that materially enhances the quality of the environment, or that materially contributes to the more efficient utilization and conservation of energy resources. The application meets the requirements

under the following heading in the Federal Register “Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction.” This invention relates energy conservation.

The materiality standard is met. Specifically, the invention discloses:

A self-contained waste heat recovery system for a commercial oven provides circulating an energy source to an oven heating system. The oven heating system recovers heat from an oven stack or downstream of oxidizer if used and distributes the heat to bakery systems such as proofers, tray washers, process water heating and other points of use. The system features secondary loops to ensure constant flow of the energy source throughout the system optimizing energy savings.

5. If the USPTO determines that the claims are directed to multiple inventions (*e.g.*, in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the Fed. Register notice and is classified in one of the U.S. classifications listed in section VI of the notice.
6. The petition to make special is being filed electronically before December 31, 2011, using the USPTO electronic filing system, EFS–Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS–Web screen.
7. The petition to make special is being filed at least one day prior to the date that a first Office action appears in PAIR.
8. The petition to make special was previously accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

We respectfully request you GRANT the renewed Petition to Make Special for the green technology patent application, filed herewith.

Respectfully Submitted,

By /Andrea H. Evans, Esq./  
Andrea H. Evans  
Registration No. 54855

Customer No.94264

Date: January 26, 2011  
Address: 14625 Baltimore Ave., #853, Laurel, MD. 20707  
Telephone: (301) 497-9997



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,602	04/15/2010	Scott Houtz	Scott Houtz	9397
94264	7590	02/02/2011		
THE LAW FIRM OF ANDREA HENCE EVANS, LLC 14625 BALTIMORE AVE #853 LAUREL, MD 20707			EXAMINER	
			ART UNIT	PAPER NUMBER
			3749	
			MAIL DATE	DELIVERY MODE
			02/02/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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Alexandria, VA 22313-1450  
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THE LAW FIRM OF  
ANDREA HENCE EVANS, LLC  
14625 BALTIMORE AVE  
#853  
LAUREL MD 20707

In re Application of	:	
HOUTZ, SCOTT et al	:	DECISION ON PETITION
Application No. 12/760,602	:	TO MAKE SPECIAL UNDER
Filed: April 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. Scott Houtz	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan.26, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner indicates that the claimed invention relates energy conservation. This is not convincing. For example, it is not clear how the claimed loops of fluid will provide and enhance the quality of the environment or contribute to energy conservation or greenhouse gas reduction. It is a common practice to recover exhaust waste heat or sensible heat to preheat incoming cold fluid in the furnace or boiler art.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Scott Houtz  
Attorney Docket No.: Scott Houtz  
Serial No.: 12/760,602  
Filed: April 15, 2010  
Examiner: Not Assigned

**REQUEST FOR RECONSIDERATION OF DECISION ON**  
**PETITION TO MAKE SPECIAL UNDER THE GREEN**  
**TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Dear Sir:

The decision on the petition under 37 CFR 1.1.02, filed January 26, 2011, to make the above identified application special under the pilot program for applications pertaining to Green Technologies was DISMISSED because the Petition lacks item #4. We respectfully request reconsideration of this decision.

We would like to thank Mr. Yuen for his time on February 10, 2011 clarifying the petition decision. As discussed, this reconsideration further identifies the basis for the special status identifying how the instant invention materially enhances the quality of the environment or materially contributes to development of renewable energy resources or energy conservation or greenhouse gas reduction.

As requested in the Petition Decision, we are providing a statement pertaining to the materiality standard since it is not agreed that the application on its face meets the materiality standard.

Regarding element 4 in the petition, the claims are directed to a single invention that materially enhances the quality of the environment, or that materially contributes to the more efficient utilization and conservation of energy resources. The application meets the requirements under the following heading in the Federal Register “Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction.” This invention relates to energy conservation.

The materiality standard is met. Specifically, the invention discloses:

A self-contained waste heat recovery system for a commercial oven provides circulating an energy source to an oven heating system. The oven heating system recovers heat from an oven stack or downstream of oxidizer if used and distributes the heat to bakery systems such as proofers, tray washers, process water heating and other points of use. The system features secondary loops to ensure constant flow of the energy source throughout the system optimizing energy savings.

The present invention provides a more efficient utilization and contributes to the conservation of energy resources. The system recovers heat from oven/oxidizer exhaust by circulating a glycolic heat exchange fluid through a heat exchanger and without this

device heat is wasted. The sustainable waste heat management system captures this heat source and manages temperatures and flow rates to end use devices regardless of the amount of recovery available allowing heat recovery to be more efficient.

Greenhouse gas reductions result from eliminating the need to operate steam boilers and or plant heating systems that typically use fossil fuels. Greenhouse gas reductions in a typical bakery can amount to several hundred tons per year.

Specifically, regarding independent Claims 1, 10 and 16 and Figures 1a, 1b and Figure 2, the invention discloses a self-contained waste heat recovery system 100 for a commercial oven having external boilers 101, 102. The boilers provide auxiliary heating when recovered heat from the oven heating system 120 is not sufficient to meet process loads. The system comprises a controller 200 for operating the system in at least one mode. The controller system controls or operates the systems in an operational mode, heat recovery mode, a shutdown mode and a low ambient mode. Primary circulating pumps 104, 105 distribute an energy source, wherein the energy source has a loop return temperature and a loop supply temperature. The loop supply temperature is the temperature of the energy source when it is flowing throughout the oven heating system 120 (See Specification Page 2, lines 20-24). The loop return temperature is the temperature of the energy source when it is returned from distribution throughout an oven heating system (See Specification, Page 3, lines 18-19). The invention further comprises an energy source management system 103 for managing the distribution of the energy source. The energy source management system 103 senses the pressure of the self-contained waste heat recovery system loop and injects fluid (glycol/water) in the waste heat recovery system if

the pressure is below a setpoint pressure at 209. The invention discloses boiler circulating pumps 140, 111 connected to the external boilers, wherein the boiler circulating pumps are active if the loop return temperature is below a system setpoint temperature; and a closed circuit fluid cooler having closed circuit fluid cooler pumps which are enabled if the loop return temperature is above the system setpoint temperature. Boiler circulating pumps 140, 111 will be staged at 206 whenever loop return temperature determined by temperature sensor 109 is below setpoint temperature as indicated below and thru integral flow switch individual boiler control circuits will be enabled and temperature maintained at 200°F at 205 thru self-contained operating and safety controls.

Secondary loops 195 and 196 provide constant flow of the energy source throughout the system 100. Constant flow assures that heat exchange devices such as boilers 101,102 and stack heat exchangers always receive proper flow regardless of primary system dynamics to prevent increased temperature rises above design and also pump energy savings by reducing primary flow head requirements. Secondary loops allow non-process loads to be incorporated into the return loop and depending on system demands if additional heat is available it can be supplied to other non-essential use points optimizing energy savings. (See Specification, Page 9, lines 11-18).

The self-contained waste heat recovery system is connected to the oven heating system such that heat is recovered by the oven heating system.

Thus, since the invention materially enhances the quality of the environment or materially contributes to greenhouse gas reduction, we respectfully request you GRANT

the renewed Petition to Make Special for the green technology patent application, and  
allow the application to proceed to examination.

Respectfully Submitted,

By\_/Andrea H. Evans, Esq./\_\_\_\_\_  
Andrea H. Evans  
Registration No. 54855  
Customer No.94264

Date: February 11, 2011  
Address: 14625 Baltimore Ave., #853, Laurel, MD. 20707  
Telephone: (301) 497-9997



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,602	04/15/2010	Scott Houtz	Scott Houtz	9397

94264 7590 02/24/2011

THE LAW FIRM OF  
ANDREA HENCE EVANS, LLC  
14625 BALTIMORE AVE  
#853  
LAUREL, MD 20707

EXAMINER
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ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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02/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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THE LAW FIRM OF  
ANDREA HENCE EVANS, LLC  
14625 BALTIMORE AVE  
#853  
LAUREL MD 20707

In re Application of	:	
HOUTZ, SCOTT et al	:	DECISION ON PETITION
Application No. 12/760,602	:	TO MAKE SPECIAL UNDER
Filed: April 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. Scott Houtz	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Feb. 14, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to a Technology Center, Art Unit 3749 for classification and docketing to an examiner for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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DICKSTEIN SHAPIRO LLP  
1825 EYE STREET NW  
Washington DC 20006-5403

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of :

David Theiler :

Application No. 12/760,641 :

Filed: April 15, 2010 :

Attorney Docket No. **T0803.0002/P002-A** :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Tomas J. D'Amico on behalf of all attorneys of record who are associated with Customer Number 24998.

All attorneys/agents associated with Customer Number 24998 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor David Theiler at the address indicated below.

There is an outstanding Office action mailed February 18, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: David Theiler  
1001 Owyhee Street  
Boise, Idaho 83705



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,649	04/15/2010	Joseph D. Vandine	H-RM-01914-01	9488
94654 7590 10/07/2010 NELLCOR PURITAN BENNETT LLC 6135 GUNBARREL AVENUE BOULDER, CO 80301			EXAMINER	
			ART UNIT	PAPER NUMBER
			2173	
			NOTIFICATION DATE	DELIVERY MODE
			10/07/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.legal@covidien.com



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NELLCOR PURITAN BENNET LLC  
6135 Gunbarrel Avenue  
Boulder CO 80301

In re Application of:  
VANDINE, Joseph et al.  
Application No. 12/760,649  
Filed: April 15, 2010  
For: **QUICK INITIATION OF  
RESPIRATORY SUPPORT VIA A  
VENTILATOR USER INTERFACE**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on April 15, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 3 and 4 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and color drawing Figures 3 and 4 were filed EFS-Web, therefore, applicant is required to file only one set of drawings. See 74 Federal Register Notice 55200 (October 27, 2009). However, the specification does not contain the required notification described above.

Accordingly, the petition is **DISMISSED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100  
(571) 272-1732



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BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON DC 20001-5303

**MAILED**  
NOV 10 2010  
OFFICE OF PETITIONS

In re Application of  
WU, CHIEN-NAN  
Application No. 12/760,685  
Filed: 04/15/2010  
Attorney Docket No. WU=98

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NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 16, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being referred to Technology Center Art Unit 1784 for examination in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,720	04/15/2010	Tetsuo MINAI	26095	9621
23389 7590 06/14/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER	
			ART UNIT	PAPER NUMBER
			2482	
			MAIL DATE	DELIVERY MODE
			06/14/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SCULLY SCOTT MURPHY & PRESSER,  
PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

In re Application of: MINAI, TETSUO et al.  
Application No. 12/760720  
Filed: 04/15/2010  
For: IMAGING DEVICE, ENDOSCOPE SYSTEM  
AND IMAGING METHOD

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

**MAILED**

JUN 14 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 4/25/2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and



(7) As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/  
Christopher Grant  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,727	04/15/2010	Varadharajan Radhamani BASKER	CFLAY.00550	9639
7590 01/20/2012 CARSTENS & CAHOON, LLP P.O. Box 802334 DALLAS, TX 75380-2334			EXAMINER ALEXANDER, REGINALD	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 01/20/2012	DELIVERY MODE PAPER

## ACKNOWLEDGEMENT OF REQUEST

*Notice of Allowance/Allowability Mailed*

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101  
Application Assistance Unit  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

January 20, 2012

CARSTENS & CAHOON, LLP  
P.O. Box 802334  
DALLAS TX 75380-2334

In re Application of :  
BASKER, RADHAMANI, ET AL : **DECISION ON PETITION**  
Application No. 12/760,727 :  
Filed: 04/15/2010 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. CFLAY.00550 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 15, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

Note: Only one set of drawings is required when petition is filed via EFS WEB.

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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January 22, 2012

CARSTENS & CAHOON, LLP  
P.O. Box 802334  
DALLAS TX 75380-2334

In re Application of	:	
Varadharajan Radhamani Basker et al.	:	<b>DECISION ON PETITION</b>
Application No. 12760727	:	
Filed: 04/15/2010	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. CFLAY.00550	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 15, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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**MAILED**

**SEP 27 2011**

**OFFICE OF PETITIONS**

**Steve Hassid, Silicon Edge Law Group LLP  
1115 1/2 YALE STREET  
SANTA MONICA CA 90403**

In re Application of	:	
William M. Lidwell et al.	:	
Application No. 12/760,791	:	DECISION ON PETITION
Filed: April 15, 2010	:	TO WITHDRAW
Attorney Docket No. 079833-010401	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 20, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Steve P. Hassid on behalf of all attorneys/agents associated with customer number 96116. All attorneys/agents associated with customer number 96116 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: WOWIO, Inc.  
3545 Motor Avenue  
Los Angeles, CA 90034



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/760,791	04/15/2010	William M. Lidwell	079833-010401

**CONFIRMATION NO. 9768**

**POWER OF ATTORNEY NOTICE**



OC000000050042640

Date Mailed: 09/26/2011

96116  
Steve Hassid, Silicon Edge Law Group LLP  
1115 1/2 YALE STREET  
SANTA MONICA, CA 90403

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/20/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**BARNES & THORNBURG LLP  
600 ONE SUMMIT SQUARE  
FORT WAYNE IN 46802**

**MAILED**

**OCT 12 2011**

**OFFICE OF PETITIONS**

In re Application of  
Hasan et al.  
Application No. 12/760,794  
Filed: April 15, 2010  
Attorney Docket No. 47789/83656

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:

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 23, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, Malik M. Hasan, attesting to being 72 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3626 for action on the merits commensurate with this decision.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **WNC-2008-20** Application Number (if known): **12/760,798** Filing date: **April 15, 2010**

First Named Inventor: **James Bruce Brown**

Title: **SIDE SKIRT SYSTEM FOR A TRAILER**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Letter Including Statements of Special Status

Signature /ces/

Date **August 30, 2011**

Name (Print/Typed) **Carli E. Stewart**

Registration Number **51058**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**Wabash National Corporation**

1000 Sagamore Pkwy S.  
Lafayette, Indiana 47905  
765.771.5300  
765.771.5579 Fax

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

<i>Customer No.</i>	12255	}
		}
<i>Group:</i>	1788	}
		}
<i>Confirmation No.:</i>	9785	}
		}
<i>Application No.:</i>	12/760,798	}
		}
<i>Invention:</i>	SIDE SKIRT SYSTEM FOR A TRAILER	}
		}
<i>Inventor:</i>	James Bruce Brown, et al.	}
		}
<i>Filed:</i>	April 15, 2010	}
		}
<i>Attorney</i>		}
<i>Docket:</i>	43634-211080/WNC2008-20	}
		}
<i>Examiner:</i>	Unknown	}

**ELECTRONICALLY  
SUBMITTED:  
August 30, 2011**

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM  
INCLUDING STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

The claims of the present application are directed toward an invention that materially contributes to both (i) the more efficient utilization and conservation of energy resources and (ii) green house gas emission reduction. In particular, the claims of the above-referenced application

are directed toward a side skirt system for reducing wind flow resistance and drag on a trailer, truck, semitrailer, or other ground vehicle. Air flow passing under a ground vehicle imparts a drag force to the vehicle when it impinges on and flows around the vehicle undercarriage components attached to or a part of the underside of the vehicle. The side skirt system of the present invention operates to prevent and/or control the flow of air from entering the undercarriage region from the side of the ground vehicle. Such reduction on the drag of the ground vehicle thus operates to conserve fossil fuels. Specifically, the side skirt system of the present invention produces a 6.0% fuel efficiency improvement. Further, the side skirt system of the present invention is certified under the U.S. Environmental Protection Agency (EPA) SmartWay® program.

Accordingly, the side skirt system of the present invention operates to reduce the energy consumption of the internal combustion engine of a vehicle, such as a trailer, having the side skirt system of the present invention installed thereon. Because the energy (i.e., fossil fuel) consumption of the internal combustion engine is reduced, the side skirt system of the present invention further operates to reducing the amount of greenhouse gases emitted from the internal combustion engine of the vehicle.

The above-reference application has already published as U.S. Application Publication No. US 2010/0264690. Accordingly, as noted below, the Commissioner is authorized to charge the publication fee of \$300 as set forth in 37 CFR 1.18(d).

A Preliminary Amendment is filed contemporaneously with this Petition in order to amend the claims of the present application such that the above-referenced application now contains no more than three (3) independent claims and twenty (20) total claims. The application

does not contain any multiple dependent claims. In particular, the above-referenced application now includes three (3) independent claims and nineteen (19) total claims.


By filing this petition, Applicants hereby agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention.

As noted above, the Commissioner is hereby authorized to charge the publication fee set forth in 37 CFR 1.18(d), as well as any other fees associated with this Petition, to the Account of Wabash National Corporation, Deposit Account No. 50-5423 with reference to file WNC 2008-20.

If there are any questions or comments that would further speed prosecution of this application, the Examiner is invited to call the undersigned, Attorney Carli Stewart, at (765) 771-5484.

Respectfully submitted,

WABASH NATIONAL CORPORATION

A handwritten signature in black ink that reads "Carli E. Stewart". The signature is written in a cursive, flowing style.

Carli E. Stewart  
Attorney Reg. No. 51,058

carli.stewart@wabashnational.com  
1000 Sagamore Pkwy S  
Lafayette, Indiana 47905  
765-771-5484



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,798	04/15/2010	James Bruce Brown	43634-211080	9785
12255	7590	09/28/2011	EXAMINER	
Wabash National Corporation			DANIELS, JASON S	
Carl E. Stewart, Esquire				
1000 Sagamore Pkwy S.			ART UNIT	
Lafayette, IN 47905-4727			PAPER NUMBER	
			3612	
			MAIL DATE	
			DELIVERY MODE	
			09/28/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SEP 28 2011

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Wabash National Corporation  
Carll E. Stewart, Esquire  
1000 Sagamore Pkwy S.  
Lafayette IN 47905-4727

In re Application of

JAMES BROWN et al.

Application No. 12/760,798

Filed: April 15, 2010

Attorney Docket No. 43634-211080

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3612 for action on the merits commensurate with this decision.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600





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BABCOCK & WILCOX POWER GENERATION GROUP, INC.  
PATENT DEPARTMENT  
20 SOUTH VAN BUREN AVENUE  
BARBERTON OH 44203

**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

In re Application of

Abdelkrim, et al.

Application No. 12/760,820

: DECISION ON PETITION

Filed: April 15, 2010

Attorney Docket No. Case 7339-D

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 19, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on February 20, 2011. A Notice of Abandonment was mailed June 2, 2011.

The amendment filed June 6, 2011, is noted.

The application is being forwarded to Technology Center 1700, GAU 1776 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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[www.uspto.gov](http://www.uspto.gov)  
DOW Sep-10

**GE HEALTHCARE, INC.**  
**IP DEPARTMENT 101 CARNEGIE CENTER**  
**PRINCETON NJ 08540-6231**

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Christopher Holmes et al :  
Application No. 12/760,840 : **ON PETITION**  
Filed: April 15, 2010 :  
Atty Docket No. PZ01123 DIV :

This is a decision on the communication filed June 28, 2010, which is being treated as a petition under 37 CFR 1.53(e), stating that drawings (Figures 1-7) was present on filing of the above-identified application.

The petition is **granted**.

The application was deposited on April 15, 2010. However, on May 11, 2010, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" stating that the application was deposited without drawings.

In response, on June 28, 2010, the instant petition and drawings of Figures 1-7 were submitted. A review of the application file indicates that drawings representing figures 1-7 were part of the originally filed specification (Figure 1 page 44, Figure 2 page 45, Figure 3 page 54, Figure 4 page 56, Figure 5 page 58, Figure 6 page 60 and Figure 7 page 67).

In view of the above, the petition is granted.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

1. Entry of the filing date as **April 15, 2010**;
2. Correction of Office records, as appropriate, that drawings were present on filing and
3. Issuance of a filing receipt.

Application No. 12/760,840

2

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,853	04/15/2010	Tetsuo MINAI	26106	9883
23389 7590 04/18/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER	
			ART UNIT	PAPER NUMBER
			2482	
			MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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[www.uspto.gov](http://www.uspto.gov)

APR 18 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

In re Application of: MINAI ET AL.  
Application No. 12/760,853  
Filed: April 15, 2010  
For: IMAGING DEVICE

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PILOT PROGRAM AND  
PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 04, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.
- (6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Kim Huynh/

---

Kim Huynh  
Quality Assurance Specialist  
Technology Center 2400



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MOLEX INCORPORATED  
2222 WELLINGTON COURT  
LISLE, IL 60532

**MAILED**

**NOV 19 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Peerouz Amleshi et al. :  
Application No. 12/760,883 : DECISION GRANTING PETITION  
Filed: April 15, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. A7-146 US C1 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed November 12, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**, *nunc pro tunc*.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

It is noted that, although the petition to withdraw the above identified application from issue had not been acted upon by the appropriate deciding official of the U. S. Patent and Trademark Office, the Technology Center processed the request for continued examination (RCE) under 37 CFR 1.114 and subsequently issued a new Notice of Allowance and Fees(s) Due and Notice of Allowability on November 17, 2010. where an issue fee has been paid and a RCE is subsequently filed, the RCE is not a proper filing unless a petition to withdraw from issue has been granted. Therefore, the examiner was without authority to act further in the case absent a grantable petition withdrawing the application from issue. Nevertheless, in view of this decision on petition, the RCE is now considered a proper filing and the actions of the examiner taken thereafter are hereby ratified.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred back to the Office of Data Management for further processing into a patent

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

NOTICE



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United States Patent and Trademark Office  
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**BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA VA 22314-1176**

**MAILED  
JAN 26 2011  
OFFICE OF PETITIONS**

In re Application of :  
Tweardy et al. : **DECISION REFUSING STATUS**  
Application No. 12/760,887 : **UNDER 37 CFR 1.47(a)**  
Filed: April 15, 2010 :  
Attorney Docket No. TWER3001CIP/JJC :

This is in response to the petition under 37 CFR 1.47(a), filed July 26, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), petitioner has failed to disclose whether Ms. Lisa Tweardy has been provided with the complete application papers (i.e. the specification, claims and drawings) of the instant continuation-in-part application. Rather, petitioner states that Ms. Tweardy was presented with a copy of the parent application papers.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office  
Customer Window, Mail Stop PETITIONS  
401 Dulany Street  
Alexandria, VA 22314



The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA VA 22314-1176

**MAILED**  
**APR 19 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Tweardy et al.	:	
Application No. 12/760,887	:	DECISION GRANTING STATUS
Filed: April 15, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. TWER3001CIP/JJC	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 15, 2011.


The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Lisa Tweardy, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3772 for examination on the merits.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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LISA TWEARDY  
1 TURNBERRY COURT  
MOORESTOWN, NJ 08057

**MAILED**  
**APR 19 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Tweardy et al. :  
Application No. 12/760,887 : **ON PETITION**  
Filed: April 15, 2010 :  
Attorney Docket No. TWER3001CIP/JJC :

Ms. Tweardy,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Liana Walsh  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

MOLEX INCORPORATED  
2222 WELLINGTON COURT  
LISLE, IL 60532

**MAILED**  
**NOV 15 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Peerouz Ameleshi, et al. :  
Application No. 12/760,896 : **DECISION GRANTING PETITION**  
Filed: April 15, 2010 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. A7-146 US C2 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed November 12, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on November 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/760,916	04/15/2010	Reiji KOYAMA	P/3541-271	1010

7590 04/01/2011  
OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER
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ART UNIT	PAPER NUMBER
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3739

MAIL DATE	DELIVERY MODE
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04/01/2011

PAPER

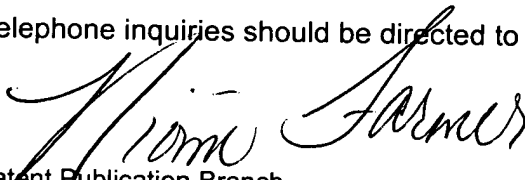
**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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MARK D. SARALINO (PAN)  
RENNER, OTTO, BOISSELLE & SKLAR, LLP  
1621 EUCLID AVENUE  
19TH FLOOR  
CLEVELAND OH 44115

**MAILED**  
NOV 04 2011  
**OFFICE OF PETITIONS**

In re Application of	:	
Kazuyoshi HONDA et al.	:	
Application No. 12/761,036	:	<b>RESPONSE TO PETITION</b>
Filed: April 15, 2010	:	<b>UNDER 37 CFR 1.59(b)</b>
Attorney Docket No. YAMAP0489USF	:	

This is a decision on the petition under 37 CFR 1.59(b), filed May 27, 2011, requesting that the Response document filed on May 27, 2011 as EFS ID No. 10184189 be expunged.

The petition is **DISMISSED AS MOOT**.

Petitioner requests that the Response document filed on May 27, 2011 in the above-identified application be expunged as it was incorrectly submitted therein.

MPEP 502 states:

A minor error in the identification of the application can be corrected by the Office provided the correct information identification can be quickly discovered. Examples of minor errors are transposed number, typographical errors, and listing the parent application number.

MPEP 724.05(III) states:

Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

The Response received in above-identified application on May 27, 2011 was filed by EFS-Web in an incorrect application, however, it was filed with the correct application serial number, attorney docket number, title of invention, and inventor's name. Accordingly, the paper provided enough identifying indicia for the Office to transfer the papers to the correct application file.

Petitioner previously submitted the \$200 petition fee on May 27, 2011. Accordingly, the \$200 petition fee submitted with the petition is unnecessary and will be refunded in due course.

Telephone inquiries concerning this decision should be directed to Wilson Lee at (571) 272-1824 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1716 for further processing.

A handwritten signature in black ink, appearing to read 'David Bugci', with a stylized flourish extending to the right.

David Bugci  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

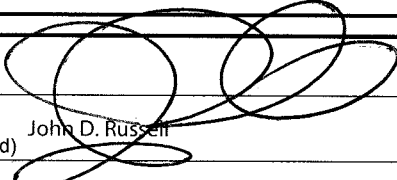
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: 81204451	Application Number (if known): 12/761,051	Filing date: April 15, 2010
First Named Inventor: Ross Dykstra Pursifull		
Title: STORED COMPRESSED AIR MANAGEMENT FOR IMPROVED ENGINE PERFORMANCE		
<b>APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.</b>		
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.		
1. By filing this petition:  <b><u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.</b>		
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.		
3. This request is accompanied by statements of special status for the eligibility requirement.		
4. The application contains no more than three (3) independent claims and twenty (20) total claims.		
5. The application does not contain any multiple dependent claims.		
6. Other attachments: <u>Preliminary Amendment</u>		
Signature 	Date <u>February 1, 2011</u>	
Name (Print/Typed) <u>John D. Russell</u>	Registration Number <u>47,048</u>	
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

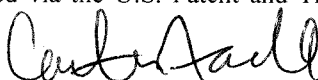
Applicants : Ross Dykstra Pursifull et al.  
Application No. : 12/761,051  
Filed : April 15, 2010  
Title : STORED COMPRESSED AIR MANAGEMENT FOR  
IMPROVED ENGINE PERFORMANCE  
Group Art Unit : 3748  
Confirmation No. : 1308  
Docket No. : 81204451

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

February 1, 2011  
Date

  
Caitlin Fackrell

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (e.g., more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention alleviates transient control issues associated with turbocharged engines. As explained in the Background and Summary of the subject application, boosted engines may offer greater fuel efficiency and lower emissions than a naturally aspirated engine of similar power. During transient conditions, however, the power, fuel efficiency, and emissions-control performance of a boosted engine may suffer. Such transient conditions may include rapidly increasing or decreasing engine load, engine speed, or mass air flow. For example, when the engine load increases rapidly, a turbocharger compressor may require increased torque to deliver an increased air flow. Such torque may not be available, however, if the turbine that drives the compressor is not fully spun up. As a result, an undesirable power lag may occur before the intake air flow builds to the required level.

It has been recognized previously that a turbocharged engine system may be adapted to store compressed air and to use the stored, compressed air to supplement the air charge from the turbocharger compressor. Previous systems include compressed air which is stored in a boost tank and is dispensed when insufficient compressed air is available from the turbocharger compressor. However, other transient control issues may occur during decreasing engine load. For example, when a throttle valve in a boosted engine system closes, the compressed air charge upstream of the throttle valve is released to the atmosphere to avoid compressor surge. This may be done by opening a compressor by-pass valve, for example. Such actions erode fuel efficiency, however, as the mechanical energy used to compress the air charge is wasted when the air is released to the atmosphere. Moreover, in engine systems equipped with low-pressure (LP) exhaust-gas recirculation (EGR), merely opening the by-pass valve may not adequately prepare the engine for low-load operation. This is because the intake air charge will be diluted with exhaust gas during mid- to high-load operation. When the throttle valve closes, this exhaust gas remains trapped behind the throttle valve. During closed-throttle conditions, however, non-diluted, fresh air may be required for reliable combustion. Thus, even applying the approach of using the stored, compressed air to supplement the air charge, combustion instability during closed-throttle conditions may still occur.

The claimed invention addresses these issues by providing a properly configured compressed-air management system. For example, claim 1 recites:

A method for providing air to a combustion chamber of an engine, the engine including a compressor and a boost tank selectably coupled to an intake manifold, the method comprising:

varying a relative amount of engine exhaust in air pressurized in the boost tank based on engine operating conditions; and

discharging the air pressurized in the boost tank to the intake manifold.

That is, a method for providing air to a combustion chamber of an engine is provided, the engine including a compressor and a boost tank selectably coupled to an intake manifold. The method comprises varying a relative amount of engine exhaust in air pressurized in the boost tank based on engine operating conditions, and discharging the air pressurized in the boost tank to the intake manifold. In this manner, air containing an appropriate relative amount of exhaust gas may be stored and later supplied to the engine intake during closed- and open-throttle conditions. For example, by varying the relative amount of exhaust gas in the stored air, it is possible to provide a desired mixture of stored gas, which may be different depending on whether the gas is to be used during open- or closed-throttle conditions.

By alleviating such transient control issues, the fuel efficiency of a boosted engine may be increased, thus conserving use of fossil fuels. Specifically, as illustrated above, rather than limiting the amount of low pressure EGR to avoid low-load combustion stability problems (caused by excessive low pressure EGR trapped in the system), it is possible to use the varying amount of exhaust in the boost tank instead. As such, increased low pressure EGR can be used during the non-transient conditions knowing that the gas in the boost tanks is appropriate to handle the transient tip-out condition. By thus allowing increased LP EGR during non-transient conditions, it is possible to reduce fuel consumption and reduce combustion temperatures that may limit spark advance (also improving fuel economy).

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO<sub>2</sub> is a greenhouse gas produced as a product of fuel combustion. As explained above and set forth in claim 1, a

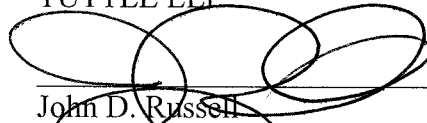
properly configured compressed-air management system can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO<sub>2</sub>.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing vehicle emissions, which negatively impact the environment. As explained above, transient control issues in boosted engines can negate the emissions-lowering effect boosted engines provide. By alleviating these transient control issues, the claimed invention improves emissions, thus enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP



John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,051	04/15/2010	Ross Dykstra Pursifull	81204451	1308
36865 7590 02/14/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205				
EXAMINER				
ART UNIT		PAPER NUMBER		
3748				
MAIL DATE		DELIVERY MODE		
02/14/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
PURSIFULL, ROSS DYKSTRA et al	:	DECISION ON PETITION
Application No. 12/761,051	:	TO MAKE SPECIAL UNDER
Filed: April 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204451	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 1, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 64266/P849

Application Number  
(if known): 12/761,058

Filing date: April 15, 2010

First Named  
Inventor: Yong-Sam Kim

Title: RECHARGEABLE BATTERY

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment and Statement of Materiality in Support of Petition to Make Special Under Green Technology Pilot Program

Signature

*Ryan M. Swank*

Date

June 15, 2011

Name  
(Print/Typed)

Ryan M. Swank

Registration Number

62,600

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,058	04/15/2010	Yong-Sam Kim	64266/P849	1319
23363 7590 07/14/2011 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER LEONG, JONATHAN G	
			ART UNIT 1725	PAPER NUMBER
			MAIL DATE 07/14/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA CA 91109-7068

7/14/11

In re Application of	:	
KIM, YONG-SAM	:	DECISION ON PETITION
Application No. 12/761,058	:	TO MAKE SPECIAL UNDER
Filed: 04/15/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 64266/P849	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 15, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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**MAILED**

**NOV 16 2010**

**OFFICE OF PETITIONS**

**HAYNES AND BOONE, LLP  
IP SECTION  
2323 VICTORY AVENUE  
SUITE 700  
DALLAS TX 75219**

In re Application of  
Robert CARPENTER JR., et al  
Application No. 12/761,068  
Filed: April 15, 2010  
Attorney Docket No. 40612.17

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 27, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of an assignee of the entire interest who has properly been made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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**MORRISON & FOERSTER LLP**  
**1650 TYSONS BOULEVARD**  
**SUITE 400**  
**MCLEAN, VA 22102**

**MAILED**

**OCT 22 2010**

**OFFICE OF PETITIONS**

In re Application of  
Arnold KELLER, et al  
Application No. 12/761,071  
Filed: April 15, 2010  
Attorney Docket No. 246472008901

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of correspondence address is not that of an assignee who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: LINK AMERICA, INC.  
300 ROUNDHILL DRIVE  
ROCKAWAY, NJ 07866



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WOODCOCK WASHBURN LLP  
CIRA CENTRE, 12TH FLOOR  
2929 ARCH STREET  
PHILADELPHIA PA 19104-2891

**MAILED**

**MAR 15 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Donner et al.	:	
Application No. 12/761,101	:	DECISION GRANTING STATUS
Filed: April 15, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. SYNT-0895/01127US1	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 30, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Lawton Lawrence, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioner submitted \$130.00 towards payment of the requisite \$200.00 petition fee. Accordingly, an additional \$70.00 will be charged to petitioner's deposit account as authorized in the instant petition.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to Technology Center AU 3733 for examination on the merits.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions





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LAWTON LAWRENCE  
605 W. MARKET STREET, UNIT 14  
WEST CHESTER, PA 19382

**MAILED**

**MAR 15 2011**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Donner et al. :  
Application No. 12/761,101 :  
Filed: April 15, 2010 :  
Attorney Docket No. SYNT-0895/01127US1 :

Mr. Lawrence,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/761,179	Filing date:	April 15, 2010
First Named Inventor:	Lee		
Title of the Invention:	System and Method Utilizing Distributed Byte-Wise Buffers on a Memory Module		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSC/EFSC\\_HELP.HTML](http://www.uspto.gov/efsc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/040826

The international filing date of the corresponding PCT application(s) is/are: July 1, 2010

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/761,179
First Named Inventor:	Lee

- ☐ WORKSHEET, WORKSHEET, WORKSHEET  
Is attached


☐ Has already been filed in the above-identified U.S. application on 04/27/2011

- ☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on 04/27/2011

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date February 6, 2012
Name (Print/Typed) Bruce S. Itchkawitz, Ph.D.	Registration Number 47,677

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614**

**MAILED  
MAR 13 2012  
OFFICE OF PETITIONS**

In re Application of : DECISION ON REQUEST TO  
Hyun LEE et al. : PARTICIPATE IN PCT-PPH PROGRAM  
Application No. 12/761,179 : AND PETITION TO MAKE SPECIAL  
Filed: April 15, 2010 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: NETL.048CP1  
For: SYSTEM AND METHOD UTILIZING DISTRIBUTED BYTE-WISE BUFFERS  
ON A MEMORY MODULE

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 6, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

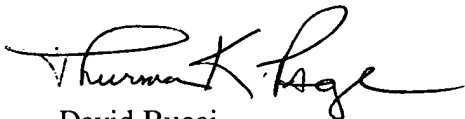
(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 2186 for action commensurate with this decision.

A handwritten signature in black ink, appearing to read "David Bucci", with a stylized flourish at the end.

David Bucci  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,191	04/15/2010	Yasusuke Iwashita	4639-112 (W153-US)	1604
22429 7590 04/13/2011 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER BENSON, WALTER	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 04/13/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**LOWE HAUPTMAN HAM & BERNER, LLP**  
**1700 DIAGONAL ROAD**  
**SUITE 300**  
**ALEXANDRIA VA 22314**

**In re Application of**  
**IWASHITA et al.**  
**Application No.: 12/761,191**  
**Filed: 15 April 2010**  
**Attorney Docket No.: 4639-112 (W153-US)**  
**For: CONTROL DEVICE FOR**  
**MACHINE TOOL**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 26 February 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;



4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (6).

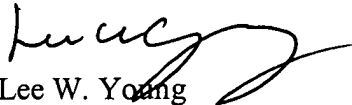
Regarding the requirement of condition (6), applicant has failed to submit an IDS listing all the documents cited by the JPO examiner in the JPO office action and copies of the documents. Specifically, applicant has failed to cite and submit 61-180530, 56-082909, 2006-277131, and 64-063745.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

A handwritten signature in black ink, appearing to read 'LW Young', with a stylized flourish extending from the end.

Lee W. Young  
TQAS Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,191	04/15/2010	Yasusuke Iwashita	4639-112 (W153-US)	1604
22429 7590 05/10/2011 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER BENSON, WALTER	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 05/10/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Alexandria, VA 22313-1450  
www.uspto.gov

**LOWE HAUPTMAN HAM & BERNER, LLP**  
**1700 DIAGONAL ROAD**  
**SUITE 300**  
**ALEXANDRIA VA 22314**

**In re Application of**  
**IWASHITA et al.**  
**Application No.: 12/761,191**  
**Filed: 15 April 2010**  
**Attorney Docket No.: 4639-112 (W153-US)**  
**For: CONTROL DEVICE FOR**  
**MACHINE TOOL**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 26 February 2011 and renewed on 05 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or

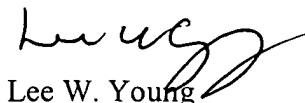
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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PEACOCK MYERS, P.C.  
201 THIRD STREET, N.W.  
SUITE 1340  
ALBUQUERQUE NM 87102

**MAILED**

**AUG 13 2010**

In re Application of	:	OFFICE OF PETITIONS
Bruce H. KING, et al	:	
Application No. 12/761,201	:	DECISION ON PETITION
Filed: April 15, 2010	:	
Attorney Docket No. 31508-ODC2010-2-DPA	:	

This is a decision on the petition under 37 CFR 1.182, filed June 23, 2010, to change the order of the names of the inventors.


The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, petitioner has paid the \$400 fee for the petition under 37 CFR 1.182.

This application is being referred to Technology Center AU 3752 for further processing.

Telephone inquiries regarding this decision should be directed to Diane Goodwyn at (571) 272-6735.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/761,201	04/15/2010	3752	462	31508-ODC2010-2-DPA	14	1

CONFIRMATION NO. 1627

CORRECTED FILING RECEIPT



OC000000042937460

5179

PEACOCK MYERS, P.C.  
201 THIRD STREET, N.W.  
SUITE 1340  
ALBUQUERQUE, NM 87102

Date Mailed: 08/06/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Bruce H. King, Albuquerque, NM;  
Michael J. Renn, Hudson, WI;  
Jason A. Paulsen, Centerville, MN;

**Assignment For Published Patent Application**

OPTOMECH, INC., Albuquerque, NM

**Power of Attorney:** The patent practitioners associated with Customer Number 005179

**Domestic Priority data as claimed by applicant**

This application is a DIV of 11/302,091 12/12/2005  
which claims benefit of 60/635,847 12/13/2004  
and claims benefit of 60/669,748 04/08/2005

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 04/27/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/761,201**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Miniature Aerosol Jet and Aerosol Jet Array

**Preliminary Class**

239

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as



set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES CA 90013-1024

**MAILED**

**DEC 05 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Toshiharu Tabata et al. :  
Application No. 12/761,241 :  
Filed: April 15, 2010 :  
Attorney Docket No. 285032008601 :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 23, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper. The assignee name listed in the request "Cataler Corporation" is not the entire assignee of record. Accordingly, since the assignment does not show the assignee as "Cataler Corporation" the request to withdrawal as attorney is not be proper and cannot be approved at this time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES CA 90013-1024

**MAILED**

FEB 13 2012

**OFFICE OF PETITIONS**

In re Application of  
Toshiharu Tabata et al.  
Application No. 12/761,241  
Filed: April 15, 2010  
Attorney Docket No. 285032008601

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed January 23, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Mehran Arjomand on behalf of all attorneys of record who are associated with Customer Number 25224.

All attorneys/agents associated with Customer Number 25224 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed November 25, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Cataler Corporation,  
Toyota Jiosha Kabushiki Kaisha  
7800, Chihama  
Kakegawa-Shi, Shizuoka Japan 437-1492



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/761,241	04/15/2010	Toshiharu TABATA	285032008601

25224  
MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

**CONFIRMATION NO. 1731**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 02/13/2012

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/23/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SUNSTEIN KANN MURPHY & TIMBERS LLP  
125 SUMMER STREET  
BOSTON MA 02110-1618

**MAILED**

OCT 06 2010

**OFFICE OF PETITIONS**

In re Application of	:	
Chapman et al.	:	DECISION ON PETITION
Application No. 12/761,244	:	TO WITHDRAW
Filed: April 15, 2010	:	FROM RECORD
Attorney Docket No. 1050/136	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed August 27, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Moses A. Heyward does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Moses A. Heyward not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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JAMES MARC LEAS  
Law Office Of James Marc Leas  
37 BUTLER DRIVE  
S. BURLINGTON VT 05403

**MAILED**

**MAR 15 2011**

**OFFICE OF PETITIONS**

In re Application of  
Arms et al.  
Application No.12/761,259  
Filed: April 15, 2010  
Attorney Docket No. 115-067

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on April 23, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 24, 2010. A Notice of Abandonment was mailed on January 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the declaration and replacement drawings and filing fees (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Petitions Attorney  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE STATE INTELLECTUAL PROPERTY OFFICE OF THE P.R.C. (SIPO) AND THE USPTO

Application No:	12/761,265	Filing date:	April 15, 2010
First Named Inventor:	HU, Ying		
Title of the Invention:	METHOD, SYSTEM AND APPARATUS FOR HETEROGENEOUS ADDRESSING		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/CN2008/072798

**The international filing date of the corresponding PCT application(s) is/are:** October 23, 2008

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE SIPO AND THE USPTO**

(continued)

Application No.: 12/761,265

First Named Inventor: HU, Ying

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐

Is attached

☒Has already been filed in the above-identified U.S. application on April 15, 2010

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on April 15, 2010**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1,2	1,3	US Claim 1 is Substantially same as PCT Claim 1; US Claim 2 is Substantially same as PCT Claim 3.
3	4	Substantially the same
4	6	Substantially the same as one of parallel technical solutions in PCT Claim 6.
5	8	Substantially the same
6	10	Substantially the same
7	12	Substantially the same
8	13	Substantially the same
9	15	Substantially the same as one of parallel technical solutions in PCT Claim 15
10	17	Substantially the same
11	19	Substantially the same
12	20	Substantially the same
13	21	The first relationship setting unit in US Claim is same as one of parallel technical solutions in PCT Claim 21.
14	24	Substantially the same
15	25	Substantially the same
16	26	The third relationship setting unit in US Claim is same as one of parallel technical solutions in PCT Claim 26.
17	6	Substantially the same as one of parallel technical solutions in PCT Claim 6.
18	15	Substantially the same as one of parallel technical solutions in PCT Claim 15
19	21	The first relationship setting unit in US Claim is same as one of parallel technical solutions in PCT Claim 21.
20	26	The third relationship setting unit in US Claim is same as one of parallel technical solutions in PCT Claim 26.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /John B. Conklin/

Date February 24, 2012

Name  
(Print/Typed) John B. Conklin

Registration Number 30369

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

Leydig, Voit & Mayer, Ltd  
(for Huawei Technologies Co., Ltd)  
Two Prudential Plaza Suite 4900  
180 North Stetson Avenue  
Chicago IL 60601

**MAILED**  
**MAR 27 2012**  
**OFFICE OF PETITIONS**

In re Application of	: DECISION ON REQUEST TO
Ying HUN et al.	: PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/761,265	: AND PETITION TO MAKE SPECIAL
Filed: April 15, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: HW706312	
For: METHOD, SYSTEM AND APPARATUS FOR HETEROGENEOUS	
ADDRESSING MAPPING	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 24, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

- (1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (1) to (3) and (5) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (4).

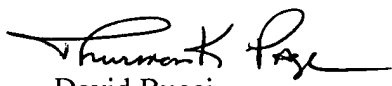
Regarding requirement (4), the claims in the U.S. application fail to sufficiently correspond to the claims in the PCT application (e.g., claim 1).

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
David Bucci  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET SUITE 4000  
CHARLOTTE NC 28280-4000

**MAILED**  
**DEC 08 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Gao, et al. :  
Application No. 12/761,271 : DECISION REFUSING  
Filing Date: April 15, 2010 : STATUS UNDER § 1.47(a)  
Attorney Docket No. 042933/387937 :

This is in response to the "STATEMENT OF FACTS IN SUPPORT OF FILING On BEHALF OF NONSIGNING INVENTOR (37 C.F.R. 1.47)", filed October 29, 2010, which is being treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the

application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirements (1) and (2).

As to requirement (1), there has been no showing that inventor Schloter was presented with the application papers (specification, claims, drawings, oath or declaration). Rather, the petition only establishes that Schloter was forwarded a copy of the declaration and assignment forms. Regarding this, the Manual of Patent Examining Procedure states:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers.

It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 U.S.P.Q. 80 Comm'r Pat. 1956).

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.<sup>1</sup>

The \$200 petition fee has been charged to Deposit Account No. 16-0605, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petitions  
                    Commissioner for Patents  
                    P.O. Box 1450  
                    Alexandria VA 22313-1450

---

<sup>1</sup> MPEP 409.03(d).

Application No. 12/761,271

Page 3

By FAX: (571)273-8300.  
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized with a large "C" and a long horizontal stroke.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET SUITE 4000  
CHARLOTTE NC 28280-4000

**MAILED**

**FEB 28 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Gao, et al.	:	
Application No. 12/761,271	:	DECISION ACCORDING
Filing Date: April 15, 2010	:	STATUS UNDER § 1.47(a)
Attorney Docket No. 042933/387937	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 7, 2011.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants filed a petition under 37 CFR 1.47(a) on October 29, 2010. However, the petition was dismissed in a decision mailed on December 8, 2010. The decision explained that petitioner had not demonstrated that a copy of the application papers had been forwarded to Schloter.

On renewed petition, Rule 47 applicant has demonstrated that inventor Schloter has refused to sign the declaration after having been presented with the application papers. Specifically, a copy of the application papers was forwarded to Starr's last known address on October 23, 2010, but as of the mailing date of the petition, no executed declaration has been received.

The petition and declaration have been reviewed and determined to be in compliance with 37 CFR 1.47(a).

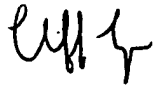


The application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the address provided in the declaration. Notice will also be provided in the Official Gazette.

The application is being forwarded to Group Art Unit 2624 for examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', with a stylized flourish at the end.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PHILIPP SCHLOTTER  
301 MAIN ST #4B  
SAN FRANCISCO CA 94105

**MAILED**

**FEB 28 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Gao, et al. :  
Application No. 12/761,271 :  
Filed: April 15, 2010 :  
Title: Method and Apparatus for Visual :  
Search Stability :

LETTER

Dear Mr. Schloter:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo  
Petitions Attorney  
Office of Petitions



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SPECTRA LOGIC CORPORATION  
1700 NORTH 55TH STREET  
BOULDER, CO 80301

**MAILED**  
**MAR 09 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Nathan Christopher Thompson, et al. :  
Application No. 12/761,289 : **ON PETITION**  
Filed: April 15, 2010 :  
Attorney Docket No.: SL054 US01 :

This is a decision on the petition, filed February 3, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed April 29, 2010, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 30, 2010. A Notice of Abandonment was mailed on January 21, 2011. On February 3, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawings provided February 3, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: KENNETH ALTSHULER  
6285 LOOKOUT ROAD  
BOULDER, CO 80301



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KOPPEL, PATRICK, HEYBL & PHILPOTT  
2815 Townsgate Road  
SUITE 215  
Westlake Village CA 91361-5827

**MAILED**

DEC 01 2011

**OFFICE OF PETITIONS**

In re Application of  
Benjamin Benumof et al.  
Application No. 12/761,309  
Filed: April 15, 2010  
Attorney Docket No. **461-27-002**

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 16, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**MORRISON & FOERSTER LLP**  
**755 PAGE MILL RD**  
**PALO ALTO CA 94304-1018**

**MAILED**

**JUN 29 2011**

**OFFICE OF PETITIONS**

In re Application of  
Whalen et al.  
Application No. 12/761,312  
Filed: April 15, 2010  
Attorney Docket No. 643552000301

:  
:  
:  
DECISION ON PETITION  
TO WITHDRAW FROM RECORD  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Mika Mayer, on behalf of all attorneys/agents of record who are associated with Customer Number 25226.

All attorneys/agents associated with the Customer Number 25226 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed June 10, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: AlterG, Inc.  
48438 Milmont Drive  
Fremont, CA 94538



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**MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO CA 94304-1018**

**MAILED**

**JUN 29 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Whalen et al.	:	
Application No. 12/761,316	:	DECISION ON PETITION
Filed: April 15, 2010	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 643552000201	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Mika Mayer, on behalf of all attorneys/agents of record who are associated with Customer Number 25226.

All attorneys/agents associated with the Customer Number 25226 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.



Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: AlterG, Inc.  
48438 Milmont Drive  
Fremont, CA 94538

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/761,349	Filing date:	April 15, 2010
First Named Inventor:	Arshad Quadri		
Title of the Invention:	VASCULAR IMPLANT AND DELIVERY SYSTEM		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/031313

**The international filing date of the corresponding PCT application(s) is/are:**

April 15, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/761,349
First Named Inventor:	Arshad Quadri

☐ **WORKSHEET, WORKSHEET**  
Is attached

☒ Has already been filed in the above-identified U.S. application on August 22, 2011

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on **August 22, 2011**

[illegible]

Signature <u>/Brent M. Dougal/</u>	Date <u>August 31, 2011</u>
Name (Print/Typed) <u>Brent M. Dougal</u>	Registration Number <u>58449</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,349	04/15/2010	Arshad Quadri	CRDQ.005A	1983
20995 7590 09/19/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER MCDERMOTT, CORRINE MARIE	
			ART UNIT 3773	PAPER NUMBER
			NOTIFICATION DATE 09/19/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

In re Application of	:	
<u>QUADRI, ARSHAD</u> , et al.	:	DECISION ON REQUEST TO
Application No. 12/761,349	:	PARTICIPATE IN PATENT
Filed: April 15, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. CRDQ.005A	:	PROGRAM AND PETITION
For: VASCULAR IMPLANT AND	:	TO MAKE SPECIAL UNDER
DELIVERY SYSTEM	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 31, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Corrine McDermott, SPE of Art Unit 3773, and 571-272-4754 for Class 623 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**MAR 25 2011**

**OFFICE OF PETITIONS**

Chao Hadidi Stark & Barker LLP  
770 Menlo Ave, Suite 205  
Menlo Park CA 94025

In re Application of  
Rothe, et al.  
Application No. 12/761,370  
Filed: April 15, 2010  
Attorney Docket No. 0152-003003

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 2011, to revive the above-identified application.

The application became abandoned July 6, 2010 for failure to timely submit a proper reply to the Notice to File Corrected Application Papers (Notice), mailed May 5, 2010. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed January 20, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

The instant petition fails to satisfy requirement (1) set forth above. The Notice required replacement drawings which have not been submitted. The Notice also requires a sequence listing which has been found defective.

Any request for reconsideration must include replacement drawings as well as a proper sequence listing.

Any inquiries concerning the sequence listing must be directed to the Electronic Business Center at (866) 217-9197.

In view thereof, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The



reconsideration request should include a cover letter entitled "Renewed Petition under 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Chao Hadidi Stark & Barker LLP  
770 Menlo Ave, Suite 205  
Menlo Park CA 94025

**MAILED**

**JUN 10 2011**

**OFFICE OF PETITIONS**

In re Application of  
Rothe, et al.  
Application No. 12/761,370  
Filed: April 15, 2010  
Attorney Docket No. 0152-003003

**ON PETITION**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 31, 2011, to revive the above-identified application.

The petition is DISMISSED WITHOUT PREJUDICE.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The provisions of 37 CFR 1.33(b) state that "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition is not signed in accordance with 37 CFR 1.33(b)(1) in that the petition is not signed by practitioner. Accordingly, the petition has not been reviewed on the merits.

Any renewed petition and accompanying documents must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450

Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Chao Hadidi Stark & Barker LLP  
770 Menlo Ave, Suite 205  
Menlo Park CA 94025

**MAILED**

**JUL 18 2011**

**OFFICE OF PETITIONS**

In re Application of  
Rothe, et al.  
Application No. 12/761,370  
Filed: April 15, 2010  
Attorney Docket No. 0152-003003

**ON PETITION**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2011, to revive the above-identified application.

The application became abandoned July 6, 2010 for failure to timely submit a proper reply to the Notice to File Corrected Application Papers (Notice), mailed May 5, 2010. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed January 20, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

The instant petition fails to satisfy requirement (1) set forth above. The drawings submitted May 31, 2011 are not acceptable as they fail to comply with 37 CFR 1.84(u) and 1.121(d).

Any request for reconsideration must include replacement drawings in compliance with 37 CFR 1.84 and 1.121.

In view thereof, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Chao Hadidi Stark & Barker LLP  
770 Menlo Ave, Suite 205  
Menlo Park CA 94025

**MAILED**

SEP 29 2011

In re Application of	:	OFFICE OF PETITIONS
Rothe, et al.	:	
Application No. 12/761,370	:	ON PETITION
Filed: April 15, 2010	:	
Attorney Docket No. 0152-003003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned July 6, 2010 for failure to timely submit a proper reply to the Notice of File Missing Parts (Notice) mailed May 5, 2010. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed January 20, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown  
Attorney Advisor  
Office of Petitions

## REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12761380	Filing date:	2010-04-15
First Named Inventor:	Peterson		

Title of the  
Invention: DUAL-LEVER COMPRESSION SUSPENSION SYSTEM

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/001151

**The international date of the corresponding PCT application(s) is/are:** 15 APRIL 2010

### I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12761380

First Named Inventor: Peterson

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	Identical
5	5	Identical
6	6	Identical
7	7	Identical
8	1	New claim dependent from claim 1
9	1	New claim dependent from claim 1
10	1	New claim dependent from claim 1
11	1	New claim dependent from claim 1
12	4	New claim dependent from claim 4
13	4	New claim dependent from claim 4
14	4	New claim dependent from claim 4
15	4	New claim dependent from claim 4

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Paul J. Fordenbacher/

Date 8-31-10

Name (Print/Typed) Paul J. Fordenbacher

Registration Number 42546



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
FORDENBACHER PAUL J.
SILICON FOREST PATENT GROUP 11876 NW TYLER CT. PORTLAND OR 97229 USA

PCT

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Applicant's or agent's file reference <b>PET-2001PRPC</b>	Date of mailing (day/month/year) 16 JULY 2010 (16.07.2010)
International application No. <b>PCT/US2010/001151</b>	International filing date (day/month/year) <b>15 APRIL 2010 (15.04.2010)</b>
Applicant <b>PETERSON, KRIS DEVIN</b>	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004, 9.011.**
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders


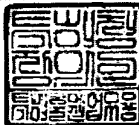
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  COMMISSIONER  Telephone No. 82-42-481-8753	
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\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : **S242GUOF**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PET-2001PRPC	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/001151</b>	International filing date ( <i>day/month/year</i> ) <b>15 APRIL 2010 (15.04.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 15 APRIL 2009 (15.04.2009)
Applicant <b>PETERSON, KRIS DEVIN</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

- b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).  
c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
b. ☐ none of the figure is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2010/001151

## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☒ Claims Nos.: 8, 9  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:  
  
The claims are too broad to make meaningful search.
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/001151****A. CLASSIFICATION OF SUBJECT MATTER***B60G 15/04(2006.01)i, B60G 13/04(2006.01)i, B60G 3/18(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

B60G 15/04; B60G 1/00; B60G 17/052; B60G 19/00; B60G 21/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: dual, lever, compression, suspension, absorber

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5382034 A1 (PARKER; ERIC G. et al.) 17 January 1995 See the whole document.	1-7
A	US 2008-0258415 A1 (MELCHER THOMAS W.) 23 October 2008 See the whole document.	1-7
A	US 6003885 A1 (RICHARDSON; GREGORY A.) 21 December 1999 See the whole document.	1-7
A	US 4623162 A1 (WEITZENHOF; DAVID A. et al.) 18 November 1986 See the whole document.	1-7
A	US 2006-0017240 A1 (LAURENT DANIEL, WALSER DANIEL) 26 January 2006 See the whole document.	1-7
A	US 5716042 A1 (DERVILLER; PETER REGINALD JOHN) 10 February 1998 See the whole document.	1-7

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

16 JULY 2010 (16.07.2010)

Date of mailing of the international search report

**16 JULY 2010 (16.07.2010)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

KIM, Sang Wook

Telephone No. 82-42-481-5427



# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

**PCT/US2010/001151**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5382034 A1	17.01.1995	EP 0648624 A1	19.04.1995
		EP 0648624 B1	13.01.1999
		JP 03-592762 B2	24.11.2004
		JP 07-186679 A	25.07.1995
		JP 07-246824 A	26.09.1995
		KR 10-0125138 B1	08.12.1997
		KR 10-0137710 B1	01.06.1998
		US 5542705 A1	06.08.1996
US 2008-0258415 A1	23.10.2008	AU 2003-258189 A1	26.11.2004
		EP 1646517 A1	19.04.2006
		EP 1646517 A4	21.11.2007
		EP 1799472 A2	27.06.2007
		US 2005-0040619 A1	24.02.2005
		US 6805362 B1	19.10.2004
		US 7131650 B2	07.11.2006
		WO 2004-098916 A1	18.11.2004
		WO 2005-051712 A2	09.06.2005
		WO 2005-051712 A3	09.06.2005
US 6003885 A1	21.12.1999	WO 98-14360 A1	09.04.1998
US 4623162 A1	18.11.1986	None	
US 2006-0017240 A1	26.01.2006	AT 444191 T	15.10.2009
		CN 1721214 A	18.01.2006
		CN 1721214 C0	18.01.2006
		DE 602005016865 D1	12.11.2009
		EP 1616731 A1	18.01.2006
		EP 1616731 B1	30.09.2009
		FR 2873061 A1	20.01.2006
		FR 2873061 B1	05.12.2008
		JP 2006-027602 A	02.02.2006
		KR 10-2006-0050188 A	19.05.2006
		KR20060050188A	19.05.2006
		US 7401794 B2	22.07.2008
US 5716042 A1	10.02.1998	None	

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

FORDENBACHER PAUL J.

SILICON FOREST PATENT GROUP 11876 NW TYLER  
CT. PORTLAND OR 97229 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **16 JULY 2010 (16.07.2010)**

Applicant's or agent's file reference  
PET-2001PRPC

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.

**PCT/US2010/001151**

International filing date (day/month/year)

**15 APRIL 2010 (15.04.2010)**

Priority date(day/month/year)

15 APRIL 2009 (15.04.2009)

International Patent Classification (IPC) or both national classification and IPC

**B60G 15/04(2006.01)i, B60G 13/04(2006.01)i, B60G 3/18(2006.01)i**

Applicant

**PETERSON, KRIS DEVIN**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion

16 JULY 2010 (16.07.2010)

Authorized officer

KIM, Sang Wook

Telephone No.82-42-481-5427





**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/001151**

**Box No. 1 Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/001151**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-7	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-7	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 5382034 A1 (PARKER; ERIC G. et al.) 17 January 1995  
D2: US 2008-0258415 A1 (MELCHER THOMAS W.) 23 October 2008

**1. Novelty and Inventive Step**

**1.1 Claims 1-6**

The subject matter of claims 1 and 4 differ from these prior art documents in that comprising a shock absorber, a shock absorber first end being operable to be pivotally coupled to a frame, a shock absorber second end being operable to be pivotally coupled to the first lever and the second lever, a first lever, and a second lever. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1 and 4 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2 to 6 are dependant on claims 1 or 4 therefore meet the requirements of PCT Article 33(2) and (3).

**1.2 Claim 7**

The subject matter of claim 7 differs from these prior art documents in that comprising a head tube, a seat tube, a down tube, a compression shock absorber, a pair of first levers, and a pair of second levers. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 7 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**2. Industrial Applicability**

Claims 1-7 are industrially applicable under PCT Article 33(4).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/001151**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Since independent claims 8 and 9 do not meet the requirement following from PCT Article 6, taken in combination with PCT Rule 6.3(b) that any independent claim must contain all the technical features essential to the definition of the invention.



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 13 2010

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Silicon Forest Patent Group  
Paul J. Fordenbacher  
11876 NW Tyler Ct  
Portland OR 97229

In re application of	:	<b>DECISION ON REQUEST TO</b>
Kris Devin Peterson	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/761,380	:	<b>PROSECUTION HIGHWAY</b>
Filed: April 15, 2010	:	<b>PROGRAM AND PETITION</b>
For: DUAL-LEVER COMPRESSION	:	<b>TO MAKE SPECIAL UNDER</b>
SUSPENSION SYSTEM	:	<b>37 CFR 1.102(d)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 1, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of September 1, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 10/12/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**MAY 13 2011**

**OFFICE OF PETITIONS**

**Spectra Logic Corporation  
1700 North 55th Street  
Boulder CO 80301**

In re Application of	:	
Nathan Christopher THOMPSON	:	DECISION GRANTING PETITION
Application No. 12/761,393	:	UNDER 37 CFR 1.137(b)
Filed: April 16, 2010	:	
Atty. Docket No.: SL055 US01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed April 29, 2010, which set a statutory period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. The application thus became abandoned on June 30, 2010, and a Notice of Abandonment mailed January 20, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of replacement drawings to the Notice mailed April 29, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).

The application file will be referred to the Office of Patent Application Processing for further action on the filed Response.



Anthony Knight  
Director  
Office of Petitions

cc: Kenneth Altshuler  
6285 Lookout Road  
Boulder, CO 80301



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**KATTEN MUCHIN ROSENMAN LLP**  
**575 MADISON AVENUE**  
**NEW YORK NY 10022-2585**

**MAILED**  
**OCT 08 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
David Elberbaum	:	
Application No. 12/761,484	:	DECISION ON PETITION
Filed: April 16, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ELBX 24.139A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the inventor declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2613 for action on the merits commensurate with this decision.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,486	04/16/2010	Chih-Hung Shih	250122-4191	1279
24504 7590 02/08/2011 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994			EXAMINER DEHNE, AARON A	
			ART UNIT 2829	PAPER NUMBER
			MAIL DATE 02/08/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
600 GALLERIA PARKWAY, S.E.  
STE 1500  
ATLANTA GA 30339-5994

*In re* Application of Chih-Hung Shih

Appl. No.: 12/761,486

Filed: April 16, 2010

Attorney Docket No.: 250122-4191

For: FABRICATION METHODS OF THIN FILM  
TRANSISTOR SUBSTRATES

:  
:  
: DECISION ON  
: PETITION  
: UNDER 37 C.F.R. §1.59  
:

This is a decision on the petition under 37 C.F.R. §1.59(b), filed December 3, 2010, to expunge information inadvertently submitted electronically on September 22, 2010, from the above-identified application.

The petition is DISMISSED.

Petitioner requests that a declaration under 37 C.F.R. §1.131 filed September 22, 2010, be expunged from the record because information contained in the exhibits is directed confidential information that is not necessary for the examiner's decision on the associated declaration.

Pursuant to M.P.E.P. § 724.02, Trade Secret, Proprietary and/or Protective Order materials must be clearly labeled as such and be filed in a sealed, clearly labeled envelope or container.

Pursuant to M.P.E.P. § 724.05,

“II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

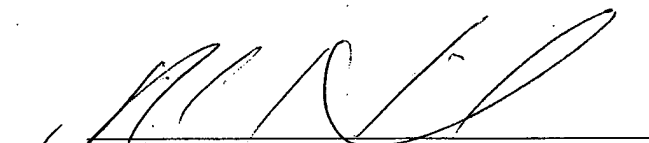
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis. Applicants should note that unidentified information that is a trade secret, proprietary, or subject to a protective order that is submitted in an Information Disclosure Statement may inadvertently be placed in an Office prior art search file by the examiner due to the lack of such identification and may not be retrievable. If a petition to expunge is not filed prior to the mailing of the notice of allowability, the materials submitted under MPEP § 724.02 will be released to the public upon the issuance of the application as a patent and upon the filing of a request and the appropriate fee (37 CFR 1.14)."

The petition was not filed as a proprietary material under M.P.E.P. § 724.02 and does not satisfy conditions (B), (C) and (D) of M.P.E.P. § 724.05 above for a grantable petition to expunge information unintentionally or inadvertently submitted on September 22, 2010.

The declaration filed September 22, 2010 along with the accompanying affidavits will remain in the file record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



John W. Cabeca, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HESPOS & PORCO LLP  
110 West 40th Street  
Suite 2501  
NEW YORK NY 10018

**MAILED**  
**SEP 08 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Shilev :  
Application No. 12/761,520 : ON PETITION  
Deposited: April 16, 2010 :  
Attorney Docket No. BOVIE-3 :

This is in response to the "PETITION UNDER 37 CFR §1.57(a)" filed May 27, 2010, requesting that the above-referenced application be accorded a filing date of April 16, 2010. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

Application papers in the above-identified application were deposited on April 16, 2010. However, on April 30, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

It should be noted that a review of the drawings submitted on petition shows that the drawings are not compliant with 37 CFR 1.121(d). When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

To the extent the instant petition requests a filing date of April 16, 2010 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to April 16, 2010;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and**
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Charlema Grant at (571) 272-3215.



Christopher Bottorff  
Supervisor  
Office of Petitions

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY  
OFFICE (KIPO) AND THE USPTO**

Application No:	12/761,529	Filing date:	April 16, 2010
First Named Inventor:	Tad T. Butterworth		

Title of the  
Invention: Automated Unwind System with Auto-Splice

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBS/EF\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT      PCT/US2010/031604  
application number(s) is/are:**

**The international date of the corresponding  
PCT application(s) is/are:** April 19, 2010

**I. List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	
First Named Inventor:	

- ☐

Is attached

- 7

Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- ☐


Are attached.

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date December 3, 2010
Name (Print/Typed) Lawrence E. Crowe	Registration Number 35110



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,529	04/16/2010	Tad T. Butterworth	506254	1384

53609	7590	02/17/2011
REINHART BOERNER VAN DEUREN P.C. 2215 PERRYGREEN WAY ROCKFORD, IL 61107		

EXAMINER	
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ART UNIT	PAPER NUMBER
3654	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RockMail@reinhartlaw.com





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

REINHART BOERNER VAN DEUREN P.C.  
2215 PERRYGREEN WAY  
ROCKFORD IL 61107

In re application of	:	<b>DECISION ON REQUEST TO</b>
Tad Butterworth	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/761,529	:	<b>PROSECUTION HIGHWAY</b>
Filed: April 16, 2010	:	<b>PROGRAM AND PETITION</b>
For: AUTOMATED UNWIND SYSTEM WITH	:	<b>TO MAKE SPECIAL UNDER</b>
AUTO-SPLICE	:	<b>37 CFR 1.102(a)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 3, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 02/16/11

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/761,557	Filing date:	04-16-2010
First Named Inventor:	Eric D. Larson		

Title of the  
Invention: **Riser Buoyancy Adjustable Thrust Column**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EFW/EFW\\_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT  
application number(s) is/are: **PCT/US10/32469**

The international filing date of the corresponding  
PCT application(s) is/are: **27APR2010**

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

Application No.:	
First Named Inventor:	

- ☐ is attached

Has already been filed in the above-identified U.S. application on 11/24/2010

- ☐ Are attached.

Have already been filed in the above-identified U.S. application on 11/24/2010

[illegible]

Signature <u>/mac39148/</u>	Date <u>February 11, 2011</u>
Name (Print/Typed) <u>Mark A. Conklin</u>	Registration Number <u>39,148</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

Phillips, Roger C.  
GENERAL ELECTRIC COMPANY  
Global Patent Operation  
PO Box 861  
2 Corporate Drive, Suite 548  
Shelton, CT 06484  
ETATS-UNIS D'AMERIQUE

Applicant's or agent's file reference  
238132

International application No.  
PCT/US2010/032403

Applicant  
VETCO GRAY INC.

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year)	10 November 2010 (10-11-2010)
FOR FURTHER ACTION	See paragraphs 1 and 4 below
International filing date (day/month/year)	27 April 2010 (27-04-2010)

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

## Filing of amendments and statement under Article 15:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest, the applicant will be notified as soon as a decision is made.

## 4. Reminders


Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority	Authorized officer
 European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	KJELLSTRÖM, Hanna Tel: +49 (0)89 2399-2052

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the letter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, International Phase, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 46 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.



# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>238132</b>	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. <b>PCT/US2010/032469</b>	International filing date (day/month/year) <b>27/04/2010</b>	(Earliest) Priority Date (day/month/year) <b>28/04/2009</b>	
Applicant  <b>VETCO GRAY INC.</b>			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
b. ☐ none of the figures is to be published with the abstract

# INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2010/032469

A. CLASSIFICATION OF SUBJECT MATTER  
INV. E21B17/01  
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
E21B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4 078 605 A (JONES MARVIN R) 14 March 1978 (1978-03-14) column 1, lines 54-59 column 2, lines 33-39; figures 1,2	1-20
A	US 2002/112858 A1 (MCDANIEL RICHARD BRUCE [US] ET AL MC DANIEL RICHARD BRUCE [US] ET AL) 22 August 2002 (2002-08-22) figure 1	1-20
A	US 4 102 142 A (LEE GEORGE) 25 July 1978 (1978-07-25) figure 1	1-20
A	EP 1 850 044 A2 (BALMORAL GROUP [GB] BALMORAL COMTEC LTD [GB]) 31 October 2007 (2007-10-31) paragraph [0005]; figures 1a-1c	1-20

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the international search

28 October 2010

Date of mailing of the international search report

10/11/2010

Name and mailing address of the ISA/  
European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040  
Fax: (+31-70) 340-3016

Authorized officer

Bellingacci, F

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2010/032469

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 4078605	A	14-03-1978	NONE	
US 2002112858	A1	22-08-2002	NONE	
US 4102142	A	25-07-1978	NONE	
EP 1850044	A2	31-10-2007	NONE	

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2010/032469

International filing date (day/month/year)  
27.04.2010

Priority date (day/month/year)  
28.04.2009

International Patent Classification (IPC) or both national classification and IPC  
INV. E21B17/01

Applicant  
VETCO GRAY INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 56.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Bellingacci, F

Telephone No. +49 89 2399-2784



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2010/032469

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
- a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>1-20</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-20</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2010/032469

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**Box No. VII    Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

Reference is made to the following documents:

- D1 US 4 078 605 A (JONES MARVIN R) 14 March 1978 (1978-03-14)  
D2 US 2002/112858 A1 (MCDANIEL RICHARD BRUCE [US] ET AL MC DANIEL RICHARD BRUCE [US] ET AL) 22 August 2002 (2002-08-22)  
D3 US 4 102 142 A (LEE GEORGE) 25 July 1978 (1978-07-25)

1 **Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1.1 D1, which is considered the closest prior art, discloses an offshore riser joint assembly (see title), comprising:

a central riser pipe (11, fig. 2);

an upper support flange (14) on an upper end portion of the central riser pipe and a lower support flange (15) on a lower end portion of the central riser pipe, each of the support flanges having a plurality of openings;

a plurality of auxiliary lines (12, 13) spaced around the central riser pipe (11), each auxiliary line(12) having an upper end extending through one of the openings in the upper support flange (14) and a lower end extending through one of the openings in the lower support flange(15);

a buoyancy module assembly (22, fig. 1 and col. 1, lines 54-59) mounted around the central riser pipe and the auxiliary lines;

upper (16) and lower (17) thrust flanges (col. 3, lines 33-39), the upper thrust flange being at an upper end of the buoyancy module assembly and the lower thrust flange being at a lower end of the buoyancy module assembly (fig 1).

The joint assembly according to claim 1 differs from said known assembly in that:

- the upper and lower thrust flanges are carried by at least one of the auxiliary lines,

and in that it further comprises

- an upper thrust link extending between the upper thrust flange and the upper support flange for transferring an upward force imposed by the buoyancy module assembly while submersed to the upper support flange; and
- a lower thrust link extending between the lower thrust flange and the lower support flange for transferring a downward force imposed by the weight of the buoyancy module assembly while out of water to the lower support flange.

The subject-matter of claim 1 is therefore new and the claim meets the corresponding requirement of Art. 33(2) PCT.

- 1.2 The problem solved by the distinguishing features of claim 1 is to provide for a more reliable connection between the buoyancy module and the riser, as the flange supporting the auxiliary lines contribute also to the support of the buoyancy module. None of the cited documents hints to this solution, and therefore claim 1 meets also the inventive step requirement of Art 33(3) PCT.
- 1.3 Claim 2 to 9 meet the requirements of Art 33 PCT as they are formulated as dependant on claim 1. The same conclusion apply also to second independent apparatus claim 10 with related dependant claims 11 to 16 and independent method claim 17 with related dependant claims 19 and 20 as they define, mutatis mutandis, the same inventive concept defined in claim 1.

**2 Re Item VII**

**Certain defects in the international application**

The following objections are also raised:

- 2.1 The independent claims are not properly cast in the two part form, with those features which in combination are part of the prior art (D1) being placed in the preamble, contrary to the requirements of Rule 6.3(b) PCT.
- 2.2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 to D3 is not mentioned in the description, nor are said documents identified therein.



Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

**Claims**

1. An offshore riser joint assembly, comprising:

a central riser pipe;

an upper support flange on an upper end portion of the central riser pipe and a lower support flange on a lower end portion of the central riser pipe, each of the support flanges having a plurality of openings;

a plurality of auxiliary lines spaced around the central riser pipe, each auxiliary line having an upper end extending through one of the openings in the upper support flange and a lower end extending through one of the openings in the lower support flange;

a buoyancy module assembly mounted around the central riser pipe and the auxiliary lines;

upper and lower thrust flanges carried by at least one of the auxiliary lines, the upper thrust flange being at an upper end of the buoyancy module assembly and the lower thrust flange being at a lower end of the buoyancy module assembly;

an upper thrust link extending between the upper thrust flange and the upper support flange for transferring an upward force imposed by the buoyancy module assembly while submersed to the upper support flange; and

a lower thrust link extending between the lower thrust flange and the lower support flange for transferring a downward force imposed by the weight of the buoyancy module assembly while out of water to the lower support flange.

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2. The riser joint assembly according to claim 1, wherein:

the upper thrust flange is axially movable relative to the auxiliary line on which it is carried so that upward thrust forces applied to the upper thrust flange pass through the upper thrust link directly to the upper support flange, bypassing the auxiliary line on which the upper thrust flange is carried.

3. The riser joint assembly according to claim 1, further comprising an adjustment mechanism that selectively adjusts a distance from one of the thrust flanges to the other.

4. The riser joint assembly according to claim 1, wherein:

the upper thrust flange comprises two of the upper flanges, each spaced 180 degrees apart from the other relative to an axis of the central riser pipe; and

the lower thrust flange comprises two of the lower flanges, each spaced 180 degrees apart from the other relative to the axis of the central riser pipe.

5. The riser joint assembly according to claim 1, wherein the upper and lower thrust links comprise thrust sleeves, each receiving one of the auxiliary lines.

6. The riser joint assembly according to claim 1, wherein the upper thrust link comprises an upper thrust sleeve through which the one of the auxiliary lines pass, the upper thrust flange being secured to the upper thrust sleeve, the upper thrust sleeve having an upper end that abuts a lower side of the upper support flange.

7. The riser joint assembly according to claim 1, further comprising:

a set of external threads on at least one of the auxiliary lines;

a threaded nut in engagement with the external threads; and

one of the thrust links is engaged by the threaded nut so as to selectively position one of the thrust flanges at a selected point along a length of the riser joint assembly.

8. The riser joint assembly according to claim 1, further comprising:

at least one clamp bolted around the central riser pipe between the support flanges, the clamp having a hub portion and a plurality of legs extending outward from the hub portion; and

a retainer securing each of the auxiliary lines to an outer end of one of the legs.

9. The riser joint assembly according to claim 1, wherein the buoyancy module assembly comprises a plurality of foam block sections, each foam block section having at least two block segments fitted around the central riser pipe and the auxiliary lines and strapped in position, the foam block sections being stacked end on end between the thrust flanges.

10. An offshore riser joint assembly, comprising:

a central riser pipe;

an upper support flange on an upper end portion of the central riser pipe and a lower support flange on a lower end portion of the central riser pipe, each of the flanges having a plurality of openings;

a plurality of auxiliary lines spaced around the central riser pipe, each auxiliary line having an upper end extending through one of the openings in the upper support flange and a lower end extending through one of the openings in the lower support flange;

a buoyancy module assembly of a buoyant material mounted around the central riser pipe and the auxiliary lines;

a pair of upper thrust sleeves, each of the upper thrust sleeves sliding over one of the auxiliary lines, each of the upper thrust sleeves having an upper thrust flange that is engaged by an upper end of the buoyancy module assembly, each of the upper thrust sleeves being mounted so as to transfer upward thrust imposed by the buoyancy module assembly to the upper support flange; and

a pair of lower thrust sleeves, each of the lower thrust sleeves sliding over one of the auxiliary lines, each of the lower thrust sleeves having a lower thrust flange that is engaged by a lower end of the buoyancy module assembly, each of the lower thrust sleeves being mounted so as to transfer weight of buoyancy module assembly while out of water to the lower support flange.

11. The riser joint assembly according to claim 10, wherein:

each of the upper thrust sleeves is axially movable relative to the auxiliary line on which it is carried so that upward thrust forces applied to the upper thrust flanges pass through the upper thrust sleeves directly to the upper support flange, bypassing the auxiliary lines on which the upper thrust sleeves are carried.

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12. The riser joint assembly according to claim 10, further comprising:

an adjustment mechanism in cooperative engagement with one of the pairs of thrust sleeves to selectively adjust a distance from the pair of lower thrust sleeves to the pair of upper thrust sleeves.

13. The riser joint assembly according to claim 10, further comprising:

a set of external threads on each of the auxiliary lines carrying the pair of lower thrust sleeves;

a threaded nut in engagement with each set of external threads and each lower thrust sleeve for varying a position of each of the lower thrust sleeves relative to the upper thrust sleeves.

14. The riser joint assembly according to claim 10, wherein:

the upper thrust flanges are located on lower ends of the upper thrust sleeves; and

the lower thrust flanges are located on upper ends of the lower thrust sleeves.

15. The riser joint assembly according to claim 10, further comprising:

at least one clamp bolted around the central riser pipe between the support flanges, the clamp having a hub portion and a plurality of legs extending outward from the hub portion; and

a retainer securing each of the auxiliary lines to an outer end of one of the legs.

16. The riser joint assembly according to claim 10, wherein the buoyancy module assembly comprises a plurality of foam block sections, each foam block section having at least two block segments fitted around the central riser pipe and the auxiliary lines and strapped in position, the foam block sections being stacked end on end between the thrust flanges.

17. A method of providing buoyancy to an offshore riser assembly having a central riser pipe, an upper support flange on an upper end portion of the central riser pipe, a lower support flange on a lower end on a lower end portion of the central riser pipe, and a plurality of auxiliary lines spaced around the central riser pipe, each auxiliary line having ends extending through openings in the upper and lower support flanges, the method comprising:

placing upper and lower thrust flanges on at least one of the auxiliary lines;

mounting a buoyancy module assembly around the central riser pipe and the auxiliary lines, with an upper end of the buoyancy module assembly in engagement with the upper thrust flange and a lower end of the buoyancy module assembly in engagement with the lower thrust flange;

transferring an upward force imposed by the buoyancy module assembly while submersed from the upper thrust flange to the upper support flange; and

transferring a downward force imposed by the weight of the buoyancy module assembly while out of water from the lower thrust flange to the lower support flange.

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18. The method according to claim 17, further comprising selectively adjusting the position of one of the upper and lower flanges relative to the other.

19. The method according to claim 17, further comprising:

mounting an upper thrust link between the upper thrust flange and the upper support flange; and wherein

transferring an upward force comprises passing the upward force through the upper thrust link to the upper support flange, bypassing the auxiliary line on which the upper thrust flange is placed.

20. The method according to claim 17, wherein placing upper and lower thrust flanges comprises positioning the thrust flanges on opposite sides of an axis of the central riser pipe.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,557	04/16/2010	Eric D. Larson	V2009010	1430
76859	7590	03/18/2011	EXAMINER	
Patent Department GE Oil & Gas 4424 West Sam Houston Parkway North Suite 100 Houston, TX 77041			ART UNIT	PAPER NUMBER
			3671	
			NOTIFICATION DATE	DELIVERY MODE
			03/18/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

leah.bardin@ge.com  
gpo.mail@ge.com  
ralph.graham@ge.com



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 1 8 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Patent Department  
GE Oil & Gas  
4424 West Sam Houston Parkway North  
Suite 100  
Houston TX 77041

In re application of	:	<b>DECISION ON REQUEST TO</b>
Larson et al.	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/761,557	:	<b>PROSECUTION HIGHWAY</b>
Filed: April 16, 2010	:	<b>PROGRAM AND PETITION</b>
For: RISER BUOYANCY ADJUSTABLE	:	<b>TO MAKE SPECIAL UNDER</b>
THRUST COLUMN	:	<b>37 CFR 1.102(a)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 8, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

          / Mikado Buiz /  
Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 03/17/11



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PATENT DEPARTMENT  
GE OIL & GAS  
4424 WEST SAM HOUSTON PARKWAY NORTH  
SUITE 100  
HOUSTON TX 77041

**MAILED**

MAR 05 2012

**OFFICE OF PETITIONS**

In re Application of  
Eric D. Larson et al.  
Application No. 12/761,557  
Filed: April 16, 2010  
Attorney Docket No: **V2009010**

**ON PETITION**

This is a decision on the petition filed February 7, 2012 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned August 25, 2011 for failure to timely reply to the non-Final Office Action mailed May 25, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed February 2, 2012.

This matter is being referred to Technology Center 3674 for appropriate action on the amendment filed February 7, 2012.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

---

<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



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PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO, IL 60602

**MAILED**  
**AUG 18 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Andrew B. Cranfill :  
Application No.: 12/761,569 :  
Filed: April 16, 2010 :  
Attorney Docket No.: 18456.02US5 :

ON PETITION

This is a decision on the petition, filed August 17, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on June 17, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2169 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:** \_\_\_\_\_

**DATE** : 01-24-11

**TO SPE OF** : ART UNIT 2447

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/761586 Patent No.: 7844882

**CofC mailroom date:** 01-05-11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**


Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**Randolph Square – 9D10-A**  
**Palm Location 7580**

  
\_\_\_\_\_  
**Angela Green**  
**Certificates of Correction Branch**  
**(703) 756-1541**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

**All changes apply.**

☐ **Approved in Part**

**Specify below which changes do not apply.**

☐ **Denied**

**State the reasons for denial below.**

**Comments:** Approved. All changes apply.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPE** /Joon H. Hwang/

**Art Unit** 2447



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551 FIFTH AVENUE  
SUITE 1210  
NEW YORK NY 10176

**MAILED**

**DEC 22 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Eyermann, et al.	:	
Application No. 12/761,595	:	DECISION REFUSING
Filing Date: April 16, 2010	:	STATUS UNDER § 1.47(a)
Attorney Docket No. 5029-643	:	

This is in response to the petition under 37 CFR 1.47(b), filed November 29, 2010, which is being treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirements (1).

As to requirement (1), there has been no showing that inventor

LaBouliere was presented with the application papers (specification, claims, drawings, oath or declaration). Rather, the petition only establishes that LaBouliere was forwarded a copy of the declaration and assignment forms. Regarding this, the Manual of Patent Examining Procedure states:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers.

It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 U.S.P.Q. 80 Comm'r Pat. 1956).

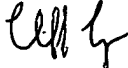
Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.<sup>1</sup>

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petitions  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria VA 22313-1450

By FAX:           (571)273-8300  
                  Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

  
Cliff Congo  
Petitions Attorney  
Office of Petitions

---

<sup>1</sup> MPEP 409.03(d).





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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

COHEN PONTANI LIEBERMAN & PAVANE LLP  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK NY 10176

**MAILED**

**APR 13 2011**

**OFFICE OF PETITIONS**

In re Application of	:	CORRECTED DECISION
Eyermann, et al.	:	ON PETITION AND
Application No. 12/761,595	:	DECISION ACCORDING
Filing Date: April 16, 2010	:	STATUS UNDER § 1.47(a)
Attorney Docket No. 5029-643	:	

This is a corrected decision on petition under 37 CFR 1.47(b), filed November 29, 2010, which is being treated as a petition under 37 CFR 1.47(a). A previous decision on petition was mailed on December 22, 2010.

The petition under 37 CFR 1.47(a) is GRANTED.

It has been shown on petition that a copy of the application papers was in fact mailed to the last known address of non-signing inventor Michael Labouliere, and that those papers were not returned as undeliverable.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(b). Accordingly, the above-identified application is hereby accorded Rule 1.47(b) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', with a stylized flourish at the end.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MICHAEL LABOULIERE  
4946 STEPHANIE WAY  
PIPERSVILLE PA 18947

**MAILED**  
**APR 13 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Eyermann, et al. :  
Application No. 12/761,595 :  
Filed: April 16, 2010 : **LETTER**  
Title: Method and Apparatus for the :  
Realization of a Failsafe Time :  
Function :

Dear Mr. Labouliere:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo  
Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
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**REED SMITH LLP  
P.O. BOX 488  
PITTSBURGH PA 15230-0488**

**MAILED**

**JAN 04 2011**

**OFFICE OF PETITIONS**

In re Application of  
Chang-Yi Lin, et al.  
Application No. 12/761,640  
Filed: April 16, 2010  
Attorney Docket No. 10-208-US

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:  
:  
:  
:

**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CANTOR COLBURN LLP  
20 CHURCH STREET  
22<sup>ND</sup> FLOOR  
HARTFORD CT 06103

MAILED  
AUG 09 2011  
OFFICE OF PETITIONS

In re Patent No. 7,897,797	:	
Issue Date : March 1, 2011	:	
Application No. 12/761,664	:	ON PETITION
Filed: April 16, 2010	:	
Attorney Docket No. UMA0002USD	:	

This is a decision on the petition, filed June 29, 2011, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.


The request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

---

<sup>1</sup> See MPEP 1309, subsection II and Official Gazette of June 22, 2004

Any questions concerning issuance of a certificate of correction should be directed to the  
Certificates of Correction Branch at (571) 272-4200.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**CANTOR COLBURN LLP  
20 CHURCH STREET  
22<sup>ND</sup> FLOOR  
HARTFORD CT 06103**

**MAILED**

**SEP 22 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,897,797 :  
Issue Date : March 1, 2011 :  
Application No. 12/761,664 :  
Filed: April 16, 2010 :  
Attorney Docket No. UMA0002USD :

**ON PETITION**

This is a decision on the petition filed August 15, 2011, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page  
Petitions Examiner  
Office of Petitions

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: <b>O2-0684</b>	Application Number (if known): <b>12/761,681</b>	Filing date: <b>04/16/2010</b>
--	--	--------------------------------

First Named Inventor: **Tiesheng YAN**

Title: **CIRCUITS AND METHODS FOR DRIVING LIGHT SOURCES**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature **/James P. Hao/**

Date **12/13/2010**

Name (Print/Typed) **James P. Hao**

Registration Number **36398**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,681	04/16/2010	Tiesheng YAN	0684	1742
71271 7590 12/21/2010				
PATENT PROSECUTION			EXAMINER	
O2MIRCO, INC.				
3118 PATRICK HENRY DRIVE			ART UNIT PAPER NUMBER	
SANTA CLARA, CA 95054			2821	
			MAIL DATE DELIVERY MODE	
			12/21/2010 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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PATENT PROSECUTION  
O2MIRCO, INC.  
3118 PATRICK HENRY DRIVE  
SANTA CLARA CA 95054

In re Application of	:	
YAN et al.	:	DECISION ON PETITION
Application No. 12/761,681	:	TO MAKE SPECIAL UNDER
Filed: April 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0684	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 13, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

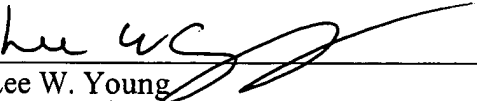
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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DILWORTH & BARRESE, LLP  
1000 WOODBURY ROAD  
SUITE 405  
WOODBURY NY 11797

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Alain Lejeune, et al. :  
Application No.: 12/761,719 :  
Filed: April 16, 2010 :  
Attorney Docket No.: 1302-107 CON :

This is a decision on the petition, filed March 11, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on January 25, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1766 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/761,721	Filing date:	April 16, 2010
First Named Inventor:	Ji Hoon LEE		
Title of the Invention:	Chemiluminescent Enzyme Assay Method and Compounds		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFIS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/031452

**The international filing date of the corresponding PCT application(s) is/are:**

April 16, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/761,721
First Named Inventor:	Ji Hoon LEE

- ☒

Is attached

7

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.

11

Have already been filed in the above-identified U.S. application on

[illegible]

Signature <u>/michael t. smith, reg no 47099/</u>	Date <u>August 22, 2011</u>
Name (Print/Typed) <u>Michael T. Smith</u>	Registration Number <u>47,099</u>



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

SMITH MICHAEL

STEPTOE & JOHNSON PLLC P.O. BOX 2190  
CLARKSBURG WV 26302 USA**PCT****NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing  
(day/month/year) 31 JANUARY 2011 (31.01.2011)

Applicant's or agent's file reference

37109000001A

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.

**PCT/US2010/031452**International filing date  
(day/month/year)**16 APRIL 2010 (16.04.2010)**

Applicant

**LEE, JI HOON**

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70**For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



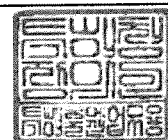
Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8753



\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **X4ZBJ4K8**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 37109000001A	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/031452</b>	International filing date ( <i>day/month/year</i> ) <b>16 APRIL 2010 (16.04.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 16 APRIL 2009 (16.04.2009)
Applicant  <b>LEE, JI HOON</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_  
☐ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
 b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/031452****A. CLASSIFICATION OF SUBJECT MATTER***G01N 33/573(2006.01)i, G01N 33/533(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

G01N 33/573; G01N 33/542; G01N 33/535; C12Q 1/26; C12Q 1/70; G01N 33/53; C12Q 1/30

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal), NCBI database, google, google scholar

&amp; Keywords: peroxyoxalate, hydrogen peroxide, chemiluminescent immunoassay

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	LU0, L. et al. Talanta, 2007, Vol. 72, pages 1293-1297. See abstract and procedures.	1-3, 10-12, 18, 19 4-9, 13-17, 20
X A	JP 05-111395 A (MEIDENSHA CORP) 07 May 1993 See abstract and claims 1-3.	19 1-18, 20
A	US 5736320 A1 (SCHLEDERER; THOMAS et al.) 07 April 1998 See claims.	1-20
A	US 4844966 A1 (CALENOFF; EMANUEL et al.) 04 July 1989 See claim 10.	1-20
A	US 2004-0241767 A1 (INCAUGARAT BRIGITTE et al.) 02 December 2004 See abstract.	1-20



Further documents are listed in the continuation of Box C.



See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

31 JANUARY 2011 (31.01.2011)

Date of mailing of the international search report

**31 JANUARY 2011 (31.01.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

Sohn, Younghee

Telephone No. 82-42-481-5975



# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

**PCT/US2010/031452**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 05-111395 A	07.05.1993	None	
US 5736320 A1	07.04.1998	EP 0698217 A1	28.02.1996
		EP 0698217 B1	06.08.1997
		JP 08-510326 A	29.10.1996
		WO 94-27154 A1	24.11.1994
US 4844966 A1	04.07.1989	EP 0106324 A2	25.04.1984
		EP 0106324 A3	17.09.1986
		EP 0106324 B1	17.04.1991
		EP 0119613 A2	26.09.1984
		EP 0119613 A3	04.11.1987
		EP 0119613 B1	29.07.1992
		JP 06-072881 B2	14.09.1994
		JP 2108261 C	06.11.1996
		JP 59-094067 A	30.05.1984
		JP 59-193356 A	01.11.1984
		US 04528267A A	09.07.1985
		US 04845027A A	04.07.1989
		US 04849337A A	18.07.1989
		US 4845027 B1	10.05.1994
US 2004-0241767 A1	02.12.2004	AT 359514 T	15.05.2007
		DE 60219468 D1	24.05.2007
		DE 60219468 T2	03.01.2008
		EP 1395825 A2	10.03.2004
		EP 1395825 B1	11.04.2007
		ES 2283573 T3	01.11.2007
		FR 2826124 A1	20.12.2002
		FR 2826124 B1	02.01.2004
		WO 02-101390 A2	19.12.2002
		WO 02-101390 A3	19.12.2002
		WO 0210-1390A3	02.10.2003

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

SMITH MICHAEL

STEPTOE & JOHNSON PLLC P.O. BOX 2190  
CLARKSBURG WV 26302 USA

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **31 JANUARY 2011 (31.01.2011)**

Applicant's or agent's file reference

37109000001A

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2010/031452**

International filing date (day/month/year)

**16 APRIL 2010 (16.04.2010)**

Priority date(day/month/year)

16 APRIL 2009 (16.04.2009)

International Patent Classification (IPC) or both national classification and IPC

**G01N 33/573(2006.01)i, G01N 33/533(2006.01)i**

Applicant

**LEE, JI HOON**

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

31 JANUARY 2011 (31.01.2011)

Authorized officer

Sohn, Younghee

Telephone No. 82-42-481-5975



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/031452**

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
  - a. a sequence listing filed or furnished
    - ☐ on paper
    - ☐ in electronic form
  - b. time of filing or furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/031452**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	4-9,13-17,20	YES
	Claims	1-3,10-12,18-19	NO
Inventive step (IS)	Claims	4-9,13-17,20	YES
	Claims	1-3,10-12,18-19	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: LUO, L. et al, Talanta, 2007, Vol. 72, pages 1293–1297.  
D2: JP 05–111395 A (MEIDENSHA CORP) 07 May 1993  
D3: US 5736320 A1 (SCHLEDERER; THOMAS et al.) 07 April 1998  
D4: US 4844966 A1 (CALENOFF; EMANUEL et al.) 04 July 1989  
D5: US 2004–0241767 A1 (INCAURGARAT BRIGITTE et al.) 02 December 2004

**1. Novelty & Inventive Step (PCT Article 33(2) and (3))**

**(1) regarding claims 1–3,10–12,18–19**

The subject matter of claims 1,3 is a method of quantifying antigen or antibody-labeled enzymes by adding a peroxyoxalate reagent and hydrogen peroxide to a chemiluminescent immunoassay. Claim 2 delimits the calibration method. Claim 10 delimits the enzyme of claim 1 as horseradish peroxidase or alkaline phosphatase. Moreover, claim 11 describes the kinds of chemiluminescent immunoassay. Claim 12 describes a kit used for chemiluminescent immunoassay described in claim 1 and Claims 18–19 teach the similar methods of claims 1–2 .

The closest prior art D1 discloses a method of quantifying antigen or antibody-labeled substrate by adding a peroxyoxalate reagent(OPDA) and hydrogen peroxide to a chemiluminescent immunoassay. D1 also teaches the identical calibration method described in claim 2, the horseradish peroxidase as analyte enzyme and sandwich type immunoassay. As all technical features of claims 1–3,10–12,18–19 are disclosed in D1, claims 1–3,10–12,18–19 is not novel and inventive under PCT Article 33(2) and PCT Article 33(3) .

**(2) regarding claims 4–9,13–17,20**

Claims 4–9,13–17,20 are dependent claims of claims 1 ,12 or 19 and delimit the minite peroxyoxalate reagents. Any of documents cited in ISR cannot disclose the identical kinds of peroxyoxalate reagents described in the claims 4–9,13–17,20. Therefore, claims 4–9,13–17,20 are novel under PCT Article 33(2). Moreover, the search or choice of efficient peroxyoxalate reagents for chemiluminescent immunoassay according to the purpose is not obvious in the skilled person in the art.

Continued on Supplemental Box

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/031452**

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of :

Box V

Therefore, claims 4-9,13-17,20 are inventive under PCT Article 33(3).

**2. Industrial Applicability (PCT Article 33(4))**

Claims 1-20 are industrially applicable under PCT Article 33(4).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BROOKS KUSHMAN PC / LEAR CORPORATION  
1000 TOWN CENTER  
TWENTY-SECOND FLOOR  
SOUTHFIELD MI 48075-1238

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION NOTING JOINDER
Boes, et al.	:	OF INVENTOR AND PETITION
Application No. 12/761,770	:	UNDER 37 CFR 1.47(a)
Filed: April 16, 2010	:	MOOT
Attorney Docket No. LEAR47900PUSA	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 20, 2010.

The petition under 37 CFR 1.47(a) is DISMISSED as moot.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo  
Petitions Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
12/761,772	04/16/2010	Andrey Loboda	ROS-ONC-00003-US-NP	1949				
210 MERCK P O BOX 2000 RAHWAY, NJ 07065-0907	7590 03/11/2011		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">GAFFIN, JEFFREY A</td></tr></table>		EXAMINER		GAFFIN, JEFFREY A	
EXAMINER								
GAFFIN, JEFFREY A								
			<table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2117</td><td></td></tr></table>		ART UNIT	PAPER NUMBER	2117	
ART UNIT	PAPER NUMBER							
2117								
			<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>03/11/2011</td><td>PAPER</td></tr></table>		MAIL DATE	DELIVERY MODE	03/11/2011	PAPER
MAIL DATE	DELIVERY MODE							
03/11/2011	PAPER							

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**MAILED**

**MAR 11 2011**

Technology Center 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MERCK  
P.O. BOX 2000  
RAHWAY, NJ 07065-0907

In re Application of: LOBODA, et al. )  
Application No. 12/761,772 )  
Filed: April 16, 2010 ) **DECISION ON PETITION UNDER 37**  
For: METHODS AND GENE ) **C.F.R. § 1.84(a)(2) TO ACCEPT**  
EXPRESSION SIGNATURE FOR ) **COLOR DRAWINGS**  
ASSESSING RAS PATHWAY )  
ACTIVITY )

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed April 16, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings, identified to be figures 2B, 2D, 3B and 15 of the instant application, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and one (1) set of color drawings (Figs. 2B, 2D, 3B and 15). The requirement for three (3) sets of color drawings under 37 CFR 1.84(a)(2)(ii) is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

The specification at page 4, lines 8-10, contain the entire notification described above.

The petition is **GRANTED**.

Brian L. Johnson, (571) 272-3595  
Quality Assurance Specialist, Technology Center 2100  
Computer Architecture and Software



UNITED STATES PATENT AND TRADEMARK OFFICE

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**FISH & RICHARDSON P.C. (DC)**  
**P.O. BOX 1022**  
**MINNEAPOLIS MN 55440-1022**

**MAILED**

**MAY 26 2011**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Manus P. Henry	:	
Application No. 12/761,781	:	<b>DECISION GRANTING PETITION</b>
Filed: April 16, 2010	:	<b>UNDER 37 CFR 1.313(c)(2)</b>
Attorney Docket No. 12780-0038003	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 24, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on April 25, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2857 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**MCCARTER & ENGLISH, LLP STAMFORD  
CANTERBURY GREEN  
201 BROAD STREET, 9TH FLOOR  
STAMFORD CT 06901**

**MAILED  
SEP 30 2011  
OFFICE OF PETITIONS**

In re Application of :  
Lars R. LARSEN et al. : **ON PETITION**  
Application No. 12/761,793 :  
Filed: April 16, 2010 :  
Atty. Docket No.: 97895.00300 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowability mailed March 16, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned June 17, 2011. A Notice of Abandonment was mailed June 30, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE), and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as being unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 2835 for consideration of the filed Response.

*for*   
Anthony Knight  
Director  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,817	04/16/2010	Koichiro Kamura	6639P928	2042
EXAMINER				
ART UNIT		PAPER NUMBER		
2195				
MAIL DATE		DELIVERY MODE		
02/22/2011		PAPER		

7590 02/22/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nimi Armes*  
Patent Publication Branch  
Office of Data Management





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,826	04/16/2010	Hironobu TAKIZAWA	26108	2057
23389 7590 03/10/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3739	
			MAIL DATE	DELIVERY MODE
			03/10/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

In re Application of	:	
TAKIZAWA, HIRONOBU	:	DECISION ON REQUEST TO
Application No. 12/761,826	:	PARTICIPATE IN PATENT
Filed: April 16, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 26022	:	PROGRAM AND PETITION
For: MEDICAL INSTRUMENT	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 9, 2011 to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #3

The request to participate in the PPH pilot program and petition does not show JPO allowed claims 1-9 correspond with the current pending claims 1; 6-18. Currently, this application contains claims 1, 6-18 as filed on March 9, 2011. The newly added independent claim 18 was not examined by the JPO examiner. In order to grant the PPH Request in this case, it is suggested that the applicant cancel the newly added independent claim 18.

It must be noted that the independent claim 18 with means plus function language in US patent practice under 35 USC 6<sup>th</sup> Paragraph involves all equivalent structures as disclosed in the supporting specification. Therefore, it can not be said the newly added independent claim 18 contains a similar scope with the JPO allowed independent claim 1.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action on the merits for claims 1, 6-18 in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

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Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,826	04/16/2010	Hironobu TAKIZAWA	26108	2057
23389 7590 03/28/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3739	
			MAIL DATE	DELIVERY MODE
			03/28/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

In re Application of	:	
TAKIZAWA, HIRONOBU	:	DECISION ON REQUEST TO
Application No. 12/761,826	:	PARTICIPATE IN PATENT
Filed: April 16, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 26022	:	PROGRAM AND PETITION
For: MEDICAL INSTRUMENT	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 25, 2011 to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Linda Dvorak, the SPE of Art Unit 3739 at 571-272-4764 for Class 600/109 and also accessible in the PAIR system at <http://www.uspto.gov/ebs/index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,826	04/16/2010	Hironobu TAKIZAWA	26108	2057
23389 7590 03/30/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER CANDLER, SAMUEL M	
			ART UNIT 3779	PAPER NUMBER
			MAIL DATE 03/30/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

In re Application of	:	
TAKIZAWA, HIRONOBU	:	DECISION ON REQUEST TO
Application No. 12/761,826	:	PARTICIPATE IN PATENT
Filed: April 16, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 26022	:	PROGRAM AND PETITION
For: MEDICAL INSTRUMENT	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 25, 2011 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.



In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Linda Dvorak, the SPE of Art Unit 3739 at 571-272-4764 for Class 600/109 and also accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,857	04/16/2010	Tetsuo MINAI	26107	2122
23389 7590 05/17/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
			EXAMINER LE, VU	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 05/17/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

In re Application of	:	
KIMURA, SHIGERU	:	DECISION ON REQUEST TO
Application No. 12/761,857	:	PARTICIPATE IN PATENT
Filed: April 16, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 26107	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 13, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wellington Chin at 571-272-3134.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Wellington Chin/

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Wellington Chin  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,864	04/16/2010	Yin Bo	055514/387649	2142

826 7590 09/09/2010  
ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER
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ART UNIT	PAPER NUMBER
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2839

MAIL DATE	DELIVERY MODE
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09/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000**

**In re Application of**

**BO et al.**

**Application No.: 12/761,864**

**Filed: 16 April 2010**

**Attorney Docket No.: 055514/387649**

**For: WIND PARK, METHOD OF**

**CORRECTING VOLTAGE**

**IMBALANCES, AND WIND TURBINE**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 25 May 2010 and renewed 12 July 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or


- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DKPTO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DKPTO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the DKPTO application is a first action allowance then no office action from the DKPTO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the DKPTO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the DKPTO examiner in the DKPTO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
- 7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
Lee W. Young  
TQAS  
Technology Center 2800



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**WARNER NORCROSS & JUDD LLP  
INTELLECTUAL PROPERTY GROUP  
900 FIFTH THIRD CENTER  
111 LYON STREET, N.W.  
GRAND RAPIDS MI 49503-2487**

**MAILED**

**JUN 24 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Cullom et al.	:	
Application No. 12/761,900	:	ON PETITION
Filed: April 16, 2010	:	
Attorney Docket No. 043812.138738-001	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 13, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3653 for action on the merits commensurate with this decision.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204464	Application Number (if known): 12/761,913	Filing date: 04-16-2010
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First Named Inventor: Hai Yu
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Title: Vehicle Stability And Steerability Control Via Electronic Torque Distribution
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**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Angela M. Brunetti/	Date 3/21/11
--------------------------------	--------------

Name Angela M. Brunetti (Print/Typed)	Registration Number 41,647
--	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,913	04/16/2010	Hai Yu	81204464	2241

77327 7590 04/11/2011  
ANGELA M. BRUNETTI, PLLC  
3233 Lake Forest Dr.  
Sterling Heights, MI 48314

EXAMINER
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KEITH, JACK W

ART UNIT	PAPER NUMBER
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3663

NOTIFICATION DATE	DELIVERY MODE
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04/11/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

\ The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ANGELA@I3LAW.COM  
LISA@I3LAW.COM



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**APR 08 2011**

ANGELA M. BRUNETTI, PLLC  
3233 Lake Forest Dr.  
Sterling Heights MI 48314

In re Application of	:	
Hai YU et al.	:	DECISION ON PETITION
Application No. 12/761,913	:	TO MAKE SPECIAL UNDER
Filed: April 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204464	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 21, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview

if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 8 in the Requirements section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the \$300 early publication fee in accordance with this notice.

The petition lacks item 4.

In regard to item 4, the disclosure of the application does not explain how a system to distribute propulsion to enhance the stability and steerability of a hybrid/electric vehicle would reduce fuel consumption. There is nothing in the disclosure of the application that explains how the claimed stability control by way of electric torque distribution contributes to reduce energy/fuel consumption, materially enhances the quality of the environment, or materially contributes to the more efficient utilization and conservation of energy resources. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, as there is no materiality statement, it is unclear as to how the claimed invention would materially contribute to category (A) or (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3663 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83145956

Application Number  
(if known): 12/761,934

Filing date: 04-16-2010

First Named  
Inventor: Hai Yu

Title: Dynamic Traction Control

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Angela M. Brunetti/

Date 3/21/11

Name Angela M. Brunetti  
(Print/Typed)

Registration Number 41,647

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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MAR 31 2011

ANGELA M. BRUNETTI, PLLC  
3233 Lake Forest Dr.  
Sterling Heights MI 48314

In re Application of	:	
Hai YU et al.	:	DECISION ON PETITION
Application No. 12/761,934	:	TO MAKE SPECIAL UNDER
Filed: April 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83145956	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 21, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed traction control prevents spinning in the wheels to increase the ability to accelerate. Traction control makes no difference in fuel economy or emissions of a vehicle. There is no evidence in the disclosure of the application on how the claimed traction control would improve a vehicle's fuel economy or emissions. Therefore, petitioners' assertion of the claimed invention's contribution to enhances the quality of the environment, conservation of energy resources or reduction of greenhouse gas emissions is considered speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3661 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application of: Hai Yu, et al.

Serial Number: 12/761,934

Group Art Unit: 3661

Filing Date: April 16, 2010

Examiner: Yonel Beaulieu

Title: Dynamic Traction Control

Attorney Docket Number: 83145956

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is, on the date shown below, being electronically filed with the United States Patent & Trademark Office via EFS-Web and a registered e-Filer certificate.

\_\_\_\_\_  
Lisa E. Brown/\_\_\_\_\_  
\_\_\_\_\_  
5/2/11\_\_\_\_\_

Lisa E. Brown

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
Attention: Examiner Yonel Beaulieu  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir;

Applicants are requesting reconsideration of the decision dismissing the petition under 37 C.F.R. §1.102, filed March 21, 2011, to make the above identified application special under the pilot program for applications pertaining to Green Technologies.



**REMARKS**

The decision indicated that the petition lacks item 4 and that the disclosure is not clear on its face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources. The Examiner asserted that petitioners' assertion that the claimed invention's contribution to enhance the quality of the environment, conservation of natural resources or reduction of greenhouse gas emissions, is considered speculative. The Examiner also asserted that it is not agreed that the application on its face meets the materiality standard.

Petitioners' respectfully traverse and assert that the invention, on its face, meets the materiality standard because the application is directed not just to traction control, but traction control for a Hybrid Electric Vehicle or an Electric Vehicle, which vehicles, in their entirety, are directed to conservation of energy resources and a reduction of greenhouse gas emissions in comparison to a conventional internal combustion powered vehicle.

The present invention is directed to a hybrid electric vehicle and claims decreasing a torque supplied to a first axle when at least one wheel is spinning and commanding a second motor to operate on the second axle when the at least one wheel is spinning. In this way, electrical energy is distributed to the motors of the hybrid electric vehicle such that an amount of electrical energy that is commanded to the electric motor is supplied by either the battery or regenerated electricity from one of the vehicle's axles, see page 6, lines 12-14.

Also, it is respectfully asserted that a hybrid electric vehicle, or an electric vehicle, materially contributes to the more efficient utilization and conservation of energy resources and a reduction of greenhouse gas emission by recapturing wasted energy and using added power from the electric motor to compensate for a loss in peak power output. It is respectfully requested the decision to dismiss be reconsidered.

Respectfully submitted,

**ANGELA M. BRUNETTI, PLLC**

\_\_\_\_\_/Angela M. Brunetti/  
Angela M. Brunetti, Reg. No. 41,647  
3233 Lake Forest Dr.  
Sterling Heights, MI 48314  
(480)200-2054

Date: 5/2/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,934	04/16/2010	Hai Yu	83145956	2294
77327 7590 07/01/2011 ANGELA M. BRUNETTI, PLLC 3233 Lake Forest Dr. Sterling Heights, MI 48314			EXAMINER BEAULIEU, YONEL	
			ART UNIT 3661	PAPER NUMBER
			NOTIFICATION DATE 07/01/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ANGELA@I3LAW.COM  
LISA@I3LAW.COM



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ANGELA M. BRUNETTI, PLLC  
3233 Lake Forest Dr.  
Sterling Heights MI 48314

JUL 01 2011

In re Application of	:	
Yu et al.	:	DECISION ON PETITION
Application No. 12/761,934	:	TO MAKE SPECIAL UNDER
Filed: 4/16/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83145956	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 5/2/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3661 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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In re Application of  
William H. Eby

Application No. 12761943

Filed: April 16, 2010

Attorney Docket No. 1421-415

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/761,943	Confirmation Number	2310	Filing Date	2010-04-16
Attorney Docket Number (optional)	1421-415	Art Unit	1638	Examiner	Phuong Bui
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 98179010				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-09	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,943	04/16/2010	William H. Eby	1421-415	2310
32905 7590 07/27/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER BUI, PHUONG T	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/27/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 27 2011

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P.O. Box 1450  
Alexandria, VA 22313-1450  
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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/761,943

Filed: April 16, 2010

Attorney Docket No.: 1421-415

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: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 13, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 13, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12761943	
Filing Date	16-Apr-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	PHUONG BUI	
Attorney Docket Number	1421-415	
Title	Soybean Cultivar 98179010	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 15, 2012

In re Application of :

William Eby

Application No : 12761943

Filed : 16-Apr-2010

Attorney Docket No : 1421-415

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 15, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12761953	Confirmation Number	2332	Filing Date	2010-04-16
Attorney Docket Number (optional)	41958-111847	Art Unit	1613	Examiner	Arnold, Ernst
First Named Inventor	Joel E. Bernstein				
Title of Invention	METHODS AND COMPOSITIONS FOR TREATING ACNE VULGARIS AND ACNE ROSACEA				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Joel	E.	Bernstein			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Alice O. Martin/		Date (YYYY-MM-DD)	2011-10-11	
Name	Alice O. Martin		Registration Number	35601	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
Joel E. Bernstein

Application No. 12761953

Filed: April 16, 2010

Attorney Docket No. 41958-111847

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:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **242720-1** Application Number (if known): **12/761,972** Filing date: **04-16-2010**

First Named Inventor: **Charles Steven Korman**

Title: **DEPLOYABLE SOLAR PANEL SYSTEM**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature **/Allison W. Mages/**

Date **12/10/11**

Name (Print/Typed) **Allison W. Mages**

Registration Number **57,275**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Charles Steven Korman )  
Confirmation No.: 2379 )  
Serial No.: 12/761972 )  
Filing Date: 04-16-2010 )  
Atty Docket No.: 242720-1 (US) )

VIA EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

The invention relates to the installation of solar cell panels, and in particular to a system and method of installing solar cell panels on a low slope surface, such as a rooftop of a commercial building, and the like. (See [0001])

Currently, there is approximately 11 billion square meters of commercial rooftop surface available worldwide. Tapping even a small fraction of this potential would make a significant impact on the world's energy needs. (See [0002])

On roofs of commercial buildings, which usually have no or low slope, modules are mounted at a desired tilt angle using a dedicated substructure, which adds additional weight to the roof. Mounting a solar array on existing residential buildings does not normally pose a problem with additional weight because the typical residential substructure is built for heavy snow and is capable of supporting the framed solar modules and mounting structure.

However, when working on commercial buildings, it is absolutely important that the addition of more weight on the roof be carefully evaluated, especially when it comes to old an/or light-framed, or wood agricultural buildings. In addition, many residential and commercial buildings, particularly in the western, and southern parts of the United States, are not designed to handle snow loading and are structurally weaker. Many warehouses and large box stores are not equipped to handle heavy solar systems. (See [0003])

These additional weight loads can be substantial. For example, a method for mounting framed modules on a commercial roof is through the use of plastic troughs, which are filled with gravel or equivalent to secure the array to the roof. This technique can be used so as to avoid damaging the roof by drilled holes to fix a mounting structure. With such systems, additional weight of up to 300 kg/m<sup>2</sup> can be reached, which needs to be supported by the existing roof structure. (See [0004])

In addition, additional wind loads emerge almost always when additional components are mounted onto a roof. Even if solar modules are mounted in parallel to the roof, the edges are exposed to wind and remarkable loads may be introduced into the roof structure. The impact on the static of the building is most obvious looking at elevated mounted PV systems on flat roofs of commercial buildings. Due to the elevation of the PV modules, they operate like sails and catch the wind. The occurring stress introduced into the building structure depends on the height of the building and the average local wind speed and is

determined according to building codes and standards, following to which the building needs to be statically analyzed. (See [0005])

To meet rooftop wind loading requirements, conventional flat solar panels typically must be secured to the roof or building structure with either expensive, heavy mounting hardware or ballast that is difficult to install and remove, if necessary, for roof repair, and the like. There have been some attempts to eliminate the heavy mounting hardware by simply applying adhesives to the solar panels and then mount them to the roof. (See [0006])

Further, a heavy ballasted PV system can damage a membrane roof as the system drags across or compresses the roof. Together with the need for tilting, the resulting mounting systems require a substantial investment in labor, hardware, design and other balance of system costs. (See [0007])

The inventors have recognized that a lightweight, flexible PV module that does not require an expensive racking system will result in the lowest installed cost, particularly for a low slope commercial rooftop. (See [0008])

The inventors have also recognized that PV modules that are installed on a low slope roof at a tilt angle of about 2-5 degrees and do not self-shade provide the highest per area power yield. (See [0009])

In accordance with the invention, the costs and complexity associated with installing conventional solar cell panels is reduced by a solar cell system that includes a plurality of solar cell panels that are mechanically and electrically coupled to each other prior to shipment, while capable of being folded in a stacking arrangement within a packaging container during shipment, and

unfolded and deployed at a desired tilt angle during installation at the installation site without the need for a conventional heavy mounting system. (See [0010])

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the discovery or development of renewable energy resources or materially contributes to the more efficient utilization and conservation of energy resources.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/  
Allison W. Mages  
Reg. No. 57,275

Dated: December 10, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6730



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,972	04/16/2010	Charles Steven Korman	242720-1	2379
6147 7590 12/16/2011 GENERAL ELECTRIC COMPANY GLOBAL RESEARCH ONE RESEARCH CIRCLE BLDG. K1-3A59 NISKAYUNA, NY 12309			EXAMINER RIDLEY, BASIA ANNA	
			ART UNIT 1725	PAPER NUMBER
			NOTIFICATION DATE 12/16/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ldocket@crd.ge.com  
wahld@ge.com  
haeckl@ge.com



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GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
ONE RESEARCH CIRCLE  
BLDG. K1-3A59  
NISKAYUNA NY 12309

12/16/11

In re Application of	:	
Korman et al.	:	DECISION ON PETITION
Application No. 12/761,972	:	TO MAKE SPECIAL UNDER
Filed: 4/16/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 242720-1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/12/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/761,981	Filing date:	April 16, 2010
First Named Inventor:	Andrew B. Carlson		
Title of the Invention:	Evaporative Induction Cooling		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFBS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/032568

**The international filing date of the corresponding PCT application(s) is/are:**

April 14, 2011

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/761,981
First Named Inventor:	Andrew B. Carlson

- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on
- November 23, 2011

- ☐ Are attached.
- ☒ Have already been filed in the above-identified U.S. application on November 23, 2011

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <i>/Matthew K. Wernli/</i>	Date February 22, 2012
Name (Print/Typed) <b>Matthew K. Wernli</b>	Registration Number <b>63,173</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
20 October 2011 (20.10.2011)

PCT

(10) International Publication Number  
**WO 2011/130563 A2**

(51) International Patent Classification:  
**G06F 1/20** (2006.01) **H05K 7/20** (2006.01)

(21) International Application Number:  
PCT/US2011/032568

(22) International Filing Date:  
14 April 2011 (14.04.2011)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
12/761,981 16 April 2010 (16.04.2010) US

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(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— without international search report and to be republished upon receipt of that report (Rule 48.2(g))

(54) Title: EVAPORATIVE INDUCTION COOLING

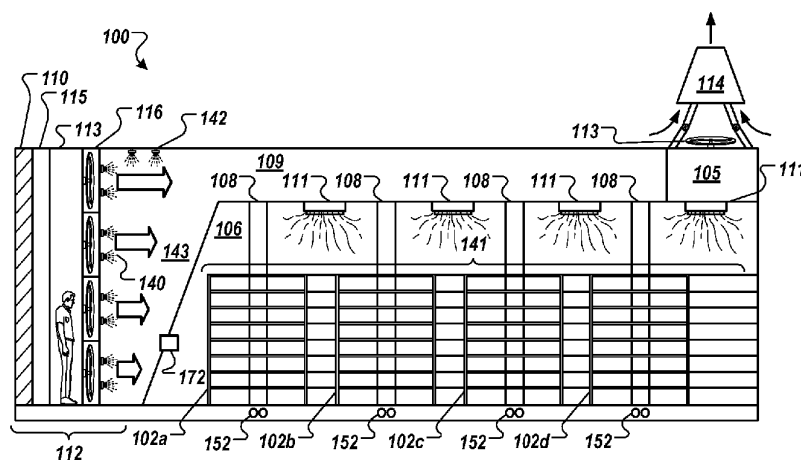


FIG. 1A

(57) Abstract: A data center cooling system includes an evaporative cooling system. The evaporative cooling system includes fans configured to circulate outside air at ambient conditions through an entry zone of a data center, and atomizers positioned upstream of the entry zone configured to spray atomized water into the circulating outside air. The atomized water evaporates in an evaporation zone and cools the outside air to produce cooled air, which is directed through racks of computers positioned downstream of the evaporation zone.

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## EVAPORATIVE INDUCTION COOLING

### TECHNICAL FIELD

**[0001]** This document relates to data center cooling.

### BACKGROUND

**[0002]** Computer users often focus on the speed of computer microprocessors (e.g., megahertz and gigahertz). Many forget that this speed often comes with a cost—higher electrical power consumption. For one or two home PCs, this extra power may be negligible when compared to the cost of running the many other electrical appliances in a home. However, in data center applications, where thousands of microprocessors may be operated, electrical power requirements can be very important. Not only must a data center operator pay for electricity to operate its many computers, but the operator must also pay to cool the computers. For example, a pair of microprocessors mounted on a single motherboard can draw 200-400 watts or more of power. Multiply that figure by several thousand (or tens of thousands) to account for the many computers in a large data center, and one can readily appreciate the amount of heat that can be generated.

**[0003]** The cost of removing all of the heat can also be a major cost of operating large data centers. That cost typically involves the use of even more energy, in the form of electricity and natural gas, to operate chillers, condensers, pumps, fans, cooling towers, and other related components. Heat removal can also be important because, although microprocessors may not be as sensitive to

heat as are people, increases in heat generally can cause increases in microprocessor errors and failures.

### SUMMARY

**[0004]** This specification describes technologies relating to evaporative cooling in data centers. For example, a number of misting nozzles may be placed at an outside air intake to a data center and outdoor air may be circulated past the misting nozzles, so that the air is cooled by the heat of evaporation in water or other liquids that may be evaporated into the airflow.

**[0005]** In an example aspect, a data center cooling system includes a multiple fans configured to circulate outside air at ambient conditions through an entry zone of a data center and multiple atomizers positioned upstream of the entry zone configured to spray atomized water into the circulating outside air. An evaporation zone is provided where the atomized water evaporates and cools the outside air to produce cooled air. A rack zone is positioned downstream of the evaporation zone. The rack zone includes computer racks arranged in substantially parallel rows. The fans are further configured to circulate the cooled air from the evaporation zone into the rack zone.

**[0006]** Implementations may include some, all, or none of the following features, alone or in combination. The cooling system may include a cool air plenum in fluid communication with the evaporation zone and configured to capture the cooled air and direct the cooled air into the rack zone at predetermined discrete locations. The cool air plenum may include one or more conduits positioned above and substantially sealed from the rack zone and can be bordered by one or more diffusers configured to direct the cooled air downwardly into the rack zone. The cool air plenum may include one or more

conduits positioned below and substantially sealed from the rack zone and may be bordered by one or more diffusers configured to direct the cool air upwardly into the rack zone.

**[0007]** The system may include a hot air plenum in fluid communication with the rack zone and configured to capture heated air that has been circulated past electronic equipment in the rack zone. The hot air plenum may include one or more conduits positioned above a top level of the rack zone, such that hot air vents upwardly into the hot air plenum. The hot air plenum may include one or more conduits positioned beneath a bottom level of the rack zone. The system can further include one or more fans configured to draw hot air from the rack zone downwardly into the hot air plenum.

**[0008]** The entry zone may be an opening in a wall of the data center and can include louvers extending across the opening. The system may include a filter system positioned inside the entry zone upstream of the fans, to filter outside air entering the entry zone. The system may also include a cool air plenum configured to capture the cooled air and to direct the cooled air into the rack zone. The cool air plenum can include a supply conduit in fluid communication with the evaporation zone, which conduit can extend substantially the width of the rack zone and capture the cooled air from the evaporation zone. Multiple delivery conduits can be connected to the supply conduit, each delivery conduit projecting in a substantially perpendicular direction from the supply conduit and extending substantially the length of the rack zone. The cool air plenum may be positioned above the rack zone and the delivery conduits can be in sealed fluid communication with diffusers configured to direct the cool air downwardly into the rack zone. The cool air plenum may be

positioned below a floor that supports equipment in the rack zone, and the delivery conduits can be in sealed fluid communication with diffusers configured to direct the cool air upwardly through perforations in the floor into the rack zone.

**[0009]** The system may include one or more exhaust fans configured to draw into a hot air plenum heated air that has been circulated past electronic equipment in the rack zone. The hot air plenum may be configured to capture the heated air and can include an exhaust conduit that extends substantially the width of the rack zone. The exhaust conduit can be configured to receive the hot air from return conduits and to vent the hot air outside the data center. The return conduits can be connected to the exhaust conduit, and each return conduit can project in a substantially perpendicular direction from the exhaust conduit and extend substantially the length of the rack zone. The return conduits can include one or more apertures, such that the hot air is drawn from the rack zone into the return conduits through the apertures and directed to the exhaust conduit. The delivery conduits of the cool air plenum can be arranged in parallel to the return conduits of the hot air plenum, and alternate with each other across the width of the rack zone.

**[0010]** The entry zone may include an opening in a wall of the data center and a louvers extending across the opening. The fans may be a wall of fans that is substantially the same size as the opening in the wall of the data center. The atomizers may include atomizers spaced at intervals in rows extending across the wall of fans, and/or above and downstream of the fans.

**[0011]** The system may also include a control system. The control system can include; a thermometer configured to measure a wet or dry bulb temperature, or both, of the outside air; a flow meter configured to measure a

rate of flow of cooled air into the rack zone; a humidistat configured to measure a humidity level of the cooled air; and a controller. The controller can be configured to receive the measurements from the thermometer, flow meter, and humidistat, and to control the flow rate of water to the atomizers based on the measurements and a temperature and humidity set point for the rack zone.

**[0012]** The system may also include a supplemental cooling system for the data center. The supplemental cooling system can include a cooling tower, a water-to-water heat exchanger in fluid communication with the cooling tower, an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger. The supplemental cooling system can receive hot air from the rack zone and be arranged to cool the hot air from the rack zone and to recirculate the cooled air back into the rack zone. The controller can be further configured to selectively activate the supplemental cooling system to cool the rack zone, e.g., based on the measurements and on the temperature and relative humidity set point for the rack zone. The supplemental cooling system may also include a chiller in fluid communication with the air-to-water heat exchanger, and the controller may be further configured to selectively activate the chiller based on the measurements and on the temperature and relative humidity set point for the rack zone.

**[0013]** The system may also include a control system including a thermometer configured to measure the temperature of the cool air, a humidistat configured to measure the relative humidity of the cool air, a controller configured to receive the measurements from the thermometer and humidistat and to control the flow rate of water to the plurality of atomizers based on the



measurements and a maximum allowable temperature and relative humidity for the rack zone.

**[0014]** In another aspect, a data center cooling system includes fans configured to draw outside air at ambient conditions into an entry zone of a data center, a atomizers positioned downstream of the entry zone configured to spray atomized water into the outside air, and an evaporation zone where the atomized water evaporates and cools the outside air to produce cooled air. A rack zone is positioned downstream of the evaporation zone and includes computer racks arranged in substantially parallel rows. An air-to-air heat exchanger is positioned between the evaporation zone and the rack zone.

**[0015]** Various implementations can include some, all or none of the following features, either alone or in combination. The air-to-air heat exchanger may include one or more heat wheels. A first conduit can be positioned on the evaporation zone-side of the one or more heat wheels and configured to receive the cooled air and direct the cooled air through the one or more heat wheels. A second conduit can be positioned on the rack zone-side of the one or more heat wheels and configured to receive hot air from the rack zone, direct the hot air through the one or more heat wheels and redirect the now cooled air back into the rack zone. A second set of atomizers may be positioned downstream of the heat exchanger and configured to spray atomized water into the cooled air before the cooled air enters the rack zone. A second evaporation zone may be provided where the atomized water from the second set of atomizers evaporates and further cools the air before the air enters the rack zone.

**[0016]** The system may also include a control system that includes: a thermometer configured to measure a temperature of the cooled air redirected

back to the rack zone; a flow meter configured to measure a rate of flow of the now cooled air into the rack zone; a humidistat configured to measure a relative humidity of the now cooled air; and a controller. The controller can be configured to receive the measurements from the thermometer, flow meter, and humidistat, and to control the flow rate of water to the atomizers based on the measurements and on a temperature and relative humidity set point for the rack zone. The system may also include a supplemental cooling system for the data center. The supplemental cooling system can include a cooling tower, a water-to-water heat exchanger in fluid communication with the cooling tower, an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone. The supplemental cooling system can be activated to cool hot air from the rack zone and to recirculate cooled air back into the rack zone. The controller may be further configured to selectively activate the supplemental cooling system to cool the rack zone, e.g., based on the measurements and on the temperature and relative humidity set point for the rack zone. The supplemental cooling system may also include a chiller in fluid communication with the air-to-water heat exchanger, and the controller may be further configured to selectively activate the chiller, e.g., based on the measurements and on the temperature and relative humidity set point for the rack zone.

**[0017]** In another aspect, a method for cooling a data center includes drawing outside air at ambient conditions into an entry zone of the data center, spraying atomized water into the outside air downstream of the entry zone, providing an evaporation zone where the atomized water evaporates and cools the outside air to cool air, directing the cool air into a rack zone positioned downstream of

the evaporation zone that includes computer racks arranged in substantially parallel rows. The rack zone is in fluid communication with the evaporation zone.

**[0018]** Various implementations may include some, all, or none of the following features, either alone or in combination. Directing the cool air into the rack zone may include directing the cooled air into a cool air plenum in fluid communication with the evaporation zone and configured to capture the cooled air and directing the cooled air from the cool air plenum into the rack zone. Hot air from the rack zone may be captured in a hot air plenum in fluid communication with the rack zone and venting the hot air out of the data center. The outside air may be filtered upstream of spraying atomized water into the outside air. A temperature of the outside air may be determined, the rate of flow of cooled air into the rack zone and a humidity level of the cool air, and a flow rate of water to the atomizers may be controlled to generate the spray based on the determinations and on a temperature and humidity set point for the rack zone.

**[0019]** A supplemental cooling system for the data center may be activated based on the determinations and on the temperature and humidity set point for the rack zone. The supplemental cooling system may include a cooling tower, a water-to-water heat exchanger in fluid communication with the cooling tower, an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone. The supplemental cooling system may also a chiller in fluid communication with the air-to-water heat exchanger.

**[0020]** The method may also include selectively activating the chiller based on the determinations and on the temperature and humidity set point for the rack zone. The method may also include determining a temperature and a humidity level of the cool air and controlling the flow rate of water to atomizers generating the spray based on the determinations and on a maximum allowable temperature and humidity level for the rack zone. The method may also include selectively activating a supplemental cooling system for the data center based on the determinations and on the maximum allowable temperature and humidity level for the rack zone, wherein the supplemental cooling system may include a cooling tower, a water-to-water heat exchanger in fluid communication with the cooling tower, an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone.

**[0021]** In another aspect, outside air at ambient conditions may be drawn into an entry zone of the data center, atomized water may be sprayed into the outside air downstream of the entry zone, an evaporation zone may be provided where the atomized water evaporates and cools the outside air to cool air, the cool air may be directed into an air-to-air heat exchanger that is positioned between the evaporation zone and a rack zone. Hot air may be directed from a rack zone of the data center into the air-to-air heat exchanger, which cools the hot air to cooled air. The cooled air may be recirculated from the heat exchanger back into the rack zone. The rack zone includes computer racks arranged in a substantially parallel rows. The air may be sprayed with atomized water to further cool the air before the cooled air is recirculated back into the rack zone.

**[0022]** The air-to-air heat exchanger may include one or more heat wheels. A first conduit can be positioned on the evaporation zone-side of the one or more heat wheels and configured to receive the cool air and direct the cool air through the one or more heat wheels. A second conduit can be positioned on the rack zone-side of the one or more heat wheels and configured to receive hot air from the rack zone and direct the hot air through the one or more heat wheels to cool the air. The method may also include determining the temperature, humidity level and/or flow rate of the cooled air being recirculated back to the rack zone and controlling the flow rate of water to the atomizers generating the spray based on the determinations and on a temperature and humidity set point for the rack zone.

**[0023]** The systems and techniques described herein can include the following advantages. Facility cooling can be achieved using less energy thereby conserving resources and reducing costs.

**[0024]** The details of one or more embodiments are set forth in the accompanying drawings and the description below. Other features and advantages will be apparent from the description and drawings, and from the claims.

## **DESCRIPTION OF DRAWINGS**

**[0025]** FIGS. 1A-1D illustrate several views of an example data center that can utilize evaporative cooling.

**[0026]** FIG. 2 is a side view of another example data center that can utilize evaporative cooling.

**[0027]** FIG. 3 is a flow diagram of an example process for using direct evaporative cooling in a data center.

**[0028]** FIG. 4 is a flow diagram of an example metered process for controlling evaporative cooling in a data center.

**[0029]** FIG. 5 is a flow diagram of an example feedback-based process for controlling evaporative cooling in a data center.

**[0030]** FIG. 6 is a side view of an example data center that implements air-to-air heat exchangers and evaporative cooling.

**[0031]** FIGS. 7A-7B are magnified views of the air-to-air heat wheel heat exchangers.

**[0032]** FIG. 8 is a flow diagram of an example process for using indirect evaporative cooling in a data center.

**[0033]** FIG. 9 is a flow diagram of an example metered process for controlling indirect evaporative cooling in a data center.

**[0034]** FIG. 10 is a flow diagram of an example feedback-based process for controlling indirect evaporative cooling in a data center.

**[0035]** Like reference symbols in the various drawings indicate like elements.

## **DETAILED DESCRIPTION**

**[0036]** The large number of computers operating in a computer data center can generate a great deal of heat. This heat can be damaging to the computers, and therefore should be removed. Generally, computers are air-cooled wherein relatively cool air is drawn across the computers to absorb the generated heat (though water cooling may be provided in spot applications such as on microprocessors and other high-heat-generating components). In a typical data center, the warmed air is cooled actively (e.g., by air conditioning), but such active cooling can consume a great deal of power in the process.

**[0037]** Methods and systems are described herein that can conserve power while cooling a data center using evaporative cooling. The evaporative cooling can be used, in some implementations, in combination with other cooling systems and techniques, as is described below.

**[0038]** Referring to FIGS 1A-1D, there is shown an example data center 100 in sectional view (though in partial schematic in FIG. 1D). The data center 100 is provided in a building that houses a large number of computers or similar heat-generating electronic components. A work space 106 is defined around the computers, which are arranged in a number of parallel rows and mounted in vertical racks, such as racks 102a, 102b, 102c, 102d, with human-occupiable aisles in the work space 106 between rows of racks. The region of the data center that includes the racks is referred to herein as the “rack zone” 141. The racks may include pairs of vertical rails to which are attached paired mounting brackets (not shown). Trays that contain computers, such as standard circuit boards in the form of motherboards, may be placed on the mounting brackets.

**[0039]** In the example implementation shown, a collection of fans 116 are positioned downstream of an opening in an exterior wall of the data center. The opening in the wall is covered by a set of louvers 110, e.g., architectural louvers that may be paired with powered dampers. The fans 116 draw outside air at outdoor ambient conditions into an entry zone 113 of the data center. A collection of atomizers 140, 142 are positioned upstream of the entry zone 113 and are arranged to spray atomized water into the outside air drawn into the data center. An evaporation zone 143 is provided where the atomized water evaporates and, while doing so, cools the outside air to a temperature that is closer to the wet bulb temperature for the air. The rack zone 141 is positioned

downstream of the evaporation zone 143 and the cool air is directed into the rack zone 141. In the implementation shown, a filter section 115 is included downstream of the louvers 110 and before the fans 116 to filter the outside air before it is directed any further into the data center.

**[0040]** In the particular implementation shown, the cool air is directed (by the fans 116) into a cool air plenum 109 that includes several conduits 150 as shown in the plan view of the data center in FIG. 1D. The conduits are arranged above the rack zone 141 and extend substantially the distance across the rack zone, so as to form an attic area defined by a warm-air plenum and a cool air plenum 109 that are separate from the rack zone 141 by a ceiling of the rack zone 141. As is described further below, one or more diffusers, e.g., diffusers 111, can be included in the cool air plenum 109 to direct the cool air downwardly into the rack zone 141.

**[0041]** The cool air becomes heated air after exposure to the rack zone 141, such as by being circulated across motherboards or other components in the racks (e.g., from front sides of each rack to back sides of each rack). Referring to FIG. 1D, a hot air plenum 105 is in fluid communication with the rack zone 141 (e.g., via a hot air capture plenum that is located physically behind and between paired rows of back-to-back racks) and configured to capture hot air from the rack zone 141. The hot air plenum 105 can be served by several conduits 160 that are positioned above the rack zone 141 such that the heated air is routed upward into the hot air plenum 105 by chimney plenums 108.

**[0042]** In some implementations, the hot air plenum 105 may be served by one or more conduits positioned beneath, rather than above, the rack zone 141, wherein one or more fans may be configured to draw hot air from the rack zone



141 downwardly into the hot air plenum 105. Such conduits may be located in a raised floor, basement, or other appropriate space. The hot air may be gathered from the hot air plenum 105 by air handling units that include, for example, one or more fans appropriately sized for the task. Both the cool air plenum and the hot air plenum 105 may be located below the floor, each may be located on opposite sides of the rack zone, with one below the floor and the other above the ceiling, or vice-versa. Where the cool-air plenum is below the floor, outside air may be drawn in from a sub-basement located below the data center 100, and then the cool-air plenum is above the ceiling, outdoor air may be drawn in through the roof of the data center 100.

**[0043]** As such, the cooled outside air is provided to the work space 106, drawn through the racks 102a-102d such as by fans mounted on the many trays that are mounted in racks 102a-102d. This air may be heated as it passes over the trays and through power supplies running the computers on the trays, and may then be exhausted into a number of hot exhaust spaces 104a-104d. Each tray may have its own power supply and fan, with the power supply at the back edge of the tray, and the fan attached to the back of the power supply. All of the fans may be configured or programmed to deliver air at a single common temperature, such as at a set 113°F (45°C), so that the individual fans control their respective speeds to maintain an essentially equal temperature rise across the computers throughout the data center 100. The heated air is then routed through the hot exhaust spaces 104a-104d and the chimney plenums 108 to the hot air plenum 105, and exhausted to atmosphere through an exhaust 114, so that the outside air to be supplied to the computer does not mix with, and get diluted by, the warmed air from the computers.

**[0044]** Air is drawn through the louvers 110 and filters 115 by a collection of fans 116. In some implementations, the collection of fans 116 may cover an area that is substantially the same size as the opening in the outside wall of the data center 100. The fans may be propeller fans arranged in a grid where a large pressure rise is not needed, and high volumetric flow rate is more important. Other types of fans (e.g., centrifugal and in-line or axial flow) may also be used.

**[0045]** A number of water supply lines 117 carry water to a collection of water misters, or atomizers 140-142 that are spaced across the wall of fans 116. The atomizers 140 are located downstream from the fans 116 to spray a fine mist of water into the flow of air when the outside air is determined to be sufficiently warm and/or dry enough to evaporate the atomized water (when there is a sufficient distance between its wet bulb and dry bulb temperatures). The atomizers 142 are located above the flow of air, such that gravity will pull the mist into the flow of air below. As the atomized water evaporates, heat energy is drawn out of the air. The flow of water to the water supply lines 117 is controlled by a collection of atomizer flow controllers 119. Various examples of processes for controlling the atomizer flow controllers 119 and the evaporative cooling system 112 in general, will be discussed in the descriptions of FIGS. 3-5 and 8-10.

**[0046]** In some implementations, fresh air may be provided to the work space 106 by various other mechanisms. For example, a supplemental air-conditioning unit, such as a standard roof-top unit may be provided to supply necessary exchanges of outside air. Also, such a unit may serve to dehumidify the work space 106 for the limited latent loads in the data center 100, such as human

perspiration (though direct evaporative cooling would not be used during such a time). In some implementations, the cool air may be provided to the work space 106 through plenums or other types of conduits that run below the floor of the work space 106, wherein the diffusers 111 may be configured to direct the cool air upwardly into the areas surrounding the racks 102a-102d (e.g., through a perforated floor).

**[0047]** The work space 106 may include heat loads other than the trays, such as from people in the space and lighting. Where the volume of air that passes through the various racks is very high and picks up a very large thermal load from multiple computers, the small additional load from other sources may be negligible, apart from perhaps a small latent heat load caused by workers, which may be removed by a smaller auxiliary air conditioning unit as described above.

**[0048]** In some implementations, the rack zone 141 may be cooled using the evaporative cooling system 112 (as described above), by cooling units cooled by a chiller system as will be described next, or a combination of both.

**[0049]** Referring again to the racks 102a-102d in FIG. 1A, in one example, the mounting brackets may be angled rails welded or otherwise adhered to vertical rails in the frame of a rack, and trays may include motherboards that are slid into place on top of the brackets, similar to the manner in which food trays are slid onto storage racks in a cafeteria, or bread trays are slid into bread racks. The trays may be spaced closely together to maximize the number of trays in a data center, but sufficiently far apart to contain all the components on the trays and to permit air circulation between the trays.

**[0050]** Other arrangements may also be used. For example, trays may be mounted vertically in groups, such as in the form of computer blades. The trays

may simply rest in a rack and be electrically connected after they are slid into place, or they may be provided with mechanisms, such as electrical traces along one edge, that create electrical and data connections when they are slid into place.

**[0051]** Air may circulate from the work space 106 across the trays and into the hot exhaust spaces 104a, 104b, 104c, and 104d behind the trays. The air may be drawn into the trays by fans mounted at the back of the trays (not shown). The fans may be programmed or otherwise configured to maintain a set exhaust temperature for the air into the warm air plenum, and may also be programmed or otherwise configured to maintain a particular temperature rise across the trays. Where the temperature of the air in the work space 106 is known, controlling the exhaust temperature also indirectly controls the temperature rise. The regions between the racks 102a-102d exposed to the cool air of the work space 106 may, in certain circumstances, be referenced as “cold aisles,” and the hot exhaust spaces 104a-104d as “warm aisles.”

**[0052]** In operation, then, circulating air may enter the fronts of the racks 102a-102d from the work space 106, may pass across heated components in the racks 102a-102d, such as microprocessors and memory chips, and may be exhausted out of the back of the racks into cooling units (not shown), so that each cooling unit receives heated exhaust air from racks on opposed sides. (Where cooling units proximate to the rows of racks are used, cooled air may be recirculated through the work space and may be blended with outside air that has received direct evaporative cooling.) The cooling units may be provided with air circulating equipment such as fans and cooling equipment such as cooling

coils, so that air is drawn through the coils and exhausted in a cooled state back into the data center work space 106 or into a collection of chimney plenums 108.

**[0053]** In some examples, warm air that passes through the racks may be drawn upward into the hot air plenum 105. In another implementation, air may enter a warm air plenum behind the computers and be drawn by fans down into an under-floor space (e.g., below a real or false floor), where it may be gathered, circulated through cooling coils, and delivered back into the workspace, such as through perforated floor plates, or may not be cooled and may be exhausted from the data center 100, or some may be cooled and blended with outdoor make-up air that has been direct evaporative cooled.

**[0054]** The cooling units may be individual units that are configured in a row and brought into close contact with the computing racks. In some examples, two rows of computers may be installed in the data center 100, where each row contains computing racks sandwiched on each side of corresponding cooling units. In one example, each rack may be approximately five feet wide (having three bays of computers per rack), and six to eight feet, or 14 or more feet high.

**[0055]** Also where cooling units are provided adjacent to the racks, a collection of cooling loops 152, in the form of additional piping, can also be included and connected to headers 154, 156 in preparation for installing computing racks above the respective loops. Although vertical positioning is not discernible in this figure, the cooling loop 152 may be located below the level of the computer racks, as may cooling loops for the particular computing racks that are shown here, where those additional cooling loops are not visible in the figure. For example, the cooling loops may be located below a raised floor in a facility, or may be located in a ceiling space of a level that is below the level

where the computing racks are located. Similarly, the cooling loop may be located above the computer units, though such location may raise issues with respect to leaking water impinging on the computer racks. Cooling loop 152 may also be located within or adjacent to the cooling units.

**[0056]** The temperature rise of the air flowing across the trays can be large. For example, the work space 106 temperature may be about 77°F (25 °C) and the exhaust temperature into the hot exhaust spaces 104a-104d may be set to 113°F (45 °C), for a 36°F (20 °C) rise in temperature. The exhaust temperature may also be as much as 212 °F (100°C) where the heat generating equipment can operate at such elevated temperature. For example, the temperature of the air exiting the equipment and entering the warm-air plenum may be 118.4, 122, 129.2, 136.4, 143.6, 150.8, 158, 165, 172.4, 179.6, 186.8, 194, 201, or 208.4°F (48, 50, 54, 58, 62, 66, 70, 74, 78, 82, 86, 90, 94, or 98 °C). Such a high exhaust temperature generally runs contrary to teachings that cooling of heat-generating electronic equipment is best conducted by washing the equipment with large amounts of fast-moving, cool air. Such a cool-air approach does cool the equipment, but it also uses lots of energy.

**[0057]** Cooling of particular electronic equipment, such as microprocessors, may be improved even where the flow of air across the trays is slow, by attaching impingement fans to the tops of the microprocessors or other particularly warm components, or by providing heat pipes and related heat exchangers for such components.

**[0058]** Cooling water for the cooling loops 152 may be provided from a cooling water circuit powered by pump 124. The cooling water circuit may be formed as a direct-return, or indirect-return, circuit, and may generally be a

closed-loop system. Pump 124 may take any appropriate form, such as a standard centrifugal pump. Heat exchanger 122 may remove heat from the cooling water in the circuit. Heat exchanger 122 may take any appropriate form, such as a plate-and-frame heat exchanger or a shell-and-tube heat exchanger.

**[0059]** Heat may be passed from the cooling water circuit to a condenser water circuit that includes heat exchanger 122, pump 120, and cooling tower 118. Pump 120 may also take any appropriate form, such as a centrifugal pump. Cooling tower 118 may be, for example, one or more forced draft towers or induced draft towers. The cooling tower 118 may be considered a free cooling source, because it requires power only for movement of the water in the system and in some implementations the powering of a fan to cause evaporation; it does not require operation of a compressor in a chiller or similar structure. The cooling by the towers may be considered indirect evaporative cooling because the evaporation does not occur in air that has or will enter the data center 100 building, while the other evaporative cooling may be referred to as direct evaporative cooling. By using an electronic control system, and depending on the conditions (e.g., outdoor wet and dry bulb temperatures, and heat load in the building), either of the evaporative cooling sources may be used, or the two may be used simultaneous and in varying proportions to each other.

**[0060]** The cooling tower 118 may take a variety of forms, including as a hybrid cooling tower. Such a tower may combine both the evaporative cooling structures of a cooling tower with a water-to-water heat exchanger. As a result, such a tower may be fit in a smaller face and be operated more modularly than a standard cooling tower with separate heat exchanger. An additional advantage may be that hybrid towers may be run dry, as discussed above. In addition,

hybrid towers may also better avoid the creation of water plumes that may be viewed negatively by neighbors of a facility.

**[0061]** As shown, the fluid circuits may create an indirect water-side economizer arrangement. This arrangement may be relatively energy efficient, in that the only energy needed to power it is the energy for operating several pumps and fans. In addition, this system may be relatively inexpensive to implement, because pumps, fans, cooling towers, and heat exchangers are relatively technologically simple structures that are widely available in many forms. In addition, because the structures are relatively simple, repairs and maintenance may be less expensive and easier to complete. Such repairs may be possible without the need for technicians with highly specialized knowledge.

**[0062]** Alternatively, direct free cooling may be employed, such as by eliminating heat exchanger 122, and routing cooling tower water (condenser water) directly to cooling coils (not shown). Such an implementation may be more efficient, as it removes one heat exchanging step. However, such an implementation also causes water from the cooling tower 118 to be introduced into what would otherwise be a closed system. As a result, the system in such an implementation may be filled with water that may contain bacteria, algae, and atmospheric contaminants, and may also be filled with other contaminants in the water. A hybrid tower, as discussed above, may provide similar benefits without the same detriments.

**[0063]** Control valve 126 is provided in the condenser water circuit to supply make-up water to the circuit. Make-up water may generally be needed because cooling tower 118 operates by evaporating large amounts of water from the circuit. The control valve 126 may be tied to a water level sensor in cooling



tower 118, or to a basin shared by multiple cooling towers. When the water falls below a predetermined level, control valve 126 may be caused to open and supply additional makeup water to the circuit. A back-flow preventer (BFP) may also be provided in the make-up water line to prevent flow of water back from cooling tower 118 to a main water system, which may cause contamination of such a water system.

**[0064]** Optionally, a separate chiller circuit may be provided. Operation of system 100 may switch partially to this circuit, which can be used in combination with the evaporation cooling system 112. During times of extreme atmospheric ambient (i.e., hot and humid) conditions or times of high heat load in the data center 101 the chiller circuit may be used exclusively. Controlled mixing valves 134 are provided for electronically switching to the chiller circuit, or for blending cooling from the chiller circuit with cooling from the condenser circuit. Pump 128 may supply tower water to chiller 130, and pump 132 may supply chilled water, or cooling water, from chiller 130 to the remainder of system 100. Chiller 130 may take any appropriate form, such as a centrifugal, reciprocating, or screw chiller, or an absorption chiller.

**[0065]** The chiller circuit may be controlled to provide various appropriate temperatures for cooling water. In some implementations, the chilled water may be supplied exclusively to a cooling coil, while in others, the chilled water may be mixed, or blended, with water from heat exchanger 122, with common return water from a cooling coil to both structures. The chilled water may be supplied from chiller 130 at temperatures elevated from typical chilled water temperatures. For example, the chilled water may be supplied at temperatures of 55°F (13°C) to 65 to 70°F (18 to 21°C) or higher. The water may then be

returned at temperatures like those discussed below, such as 59 to 176°F (15 to 80°C). In this approach that uses sources in addition to, or as an alternative to, free cooling, increases in the supply temperature of the chilled water can also result in substantial efficiency improvements for the data center 100.

**[0066]** Pumps 120, 124, 128, 132, may be provided with variable speed drives. Such drives may be electronically controlled by a central control system to change the amount of water pumped by each pump in response to changing set points or changing conditions in the data center 100. For example, pump 124 may be controlled to maintain a particular temperature in the rack zone 141, such as in response to signals from a thermostat or other sensor in the rack zone 141.

**[0067]** The system can include a controller 170. The controller 170 can be a computer system configured to receiving readings from various sensors placed about the data center 100 and respond to the sensed values by altering the operation of the evaporative cooling system (e.g., changing atomizer flow rates, louver positions, fan speeds). For example, in operation, the controller 170 can be in controllable communication with cooling systems of the data center 100, and can respond to signals from various sensors placed in the data center 100. The sensors may include, for example, thermostats, humidistats, flowmeters, and other similar sensors. In one implementation, one or more thermostats may be provided in the hot exhaust spaces 104a-104d, and one or more thermostats may be placed in the rack zone 141. In addition, air pressure sensors may be located in work space 106, and in the conduits 160. The sensors can be used by the controller 170 to determine whether to use the evaporative cooling system 112 exclusively, in combination with one or more of the other cooling

systems described (or others), or not at all. For example, a thermostat 172 may be used by the controller 170 to sense the temperature differential at the boundary of the evaporation zone 143 and the work space 106 to control the speed of associated pumps, so that if temperature begins to rise, the pumps turn faster to provide additional cooling waters. Pressure sensors may also be used by the controller 170 to control the speed of various items such as fans 113 and 116 to maintain a set pressure differential between two spaces, such as that attic 105 and the rack zone 141, and to thereby maintain a consistent airflow rate. Where mechanisms for increasing cooling, such as speeding the operation of pumps, are no longer capable of keeping up with increasing loads, the controller 170 may activate the chiller 130 and associated pumps 128, 132, and may modulate control valves 134 accordingly to provide additional cooling.

**[0068]** Various values for temperature of the fluids in data center 100 may be used by the controller 170 in the operation of data center 100. In one exemplary implementation, the temperature setpoint in the hot exhaust spaces 104a-104d may be selected to be at or near a maximum exit temperature for trays in racks 102a-102d. This maximum temperature may be selected, for example, to be a known failure temperature or a maximum specified operating temperature for components in the trays, or may be a specified amount below such a known failure or specified operating temperature. In certain implementations, a temperature of 45°C may be selected. In other implementations, temperatures of 25°C to 125°C may be selected. Higher temperatures may be particularly appropriate where alternative materials are used in the components of the computers in the data center, such as high temperature gate oxides and the like.

**[0069]** In one implementation, supply temperatures for cooling water may be 68°F (20°C), while return temperatures may be 104°F (40°C). In other implementations, temperatures of 50°F to 84.20°F or 104°F (10°C to 29°C or 40°C) may be selected for supply water, and 59°F to 176°F (15°C to 80°C) for return water. Chilled water temperatures may be produced at much lower levels according to the specifications for the particular selected chiller. Cooling tower water supply temperatures may be generally slightly above the wet bulb temperature under ambient atmospheric conditions, while cooling tower return water temperatures will depend on the operation of the data center 100.

**[0070]** Using these parameters and the parameters discussed above for entering and exiting air, relatively narrow approach temperatures may be achieved with the data center 100. The approach temperature, in this example, is the difference in temperature between the air leaving a coil and the water entering a coil. The approach temperature will always be positive because the water entering the coil is the coldest water, and will start warming up as it travels through the coil. As a result, the water may be appreciably warmer by the time it exits the coil, and as a result, air passing through the coil near the water's exit point will be warmer than air passing through the coil at the water's entrance point. Because even the most-cooled exiting air, at the cooling water's entrance point, will be warmer than the entering water, the overall exiting air temperature will need to be at least somewhat warmer than the entering cooling water temperature.

**[0071]** Keeping the approach temperature small permits a system to be run on free, or evaporative, cooling for a larger portion of the year and reduces the size of a needed chiller, if any is needed at all. To lower the approach

temperature, the cooling coils may be designed for counterflow rather than for self-draining. In counter-flow, the warmest air flows near the warmest water and the coolest air exits near where the coolest water enters.

**[0072]** In certain implementations, the entering water temperature may be 64°F (18°C) and the exiting air temperature 77°F (25°C), as noted above, for an approach temperature of 12.6°F (7°C). In other implementations, wider or narrower approach temperature may be selected based on economic considerations for an overall facility.

**[0073]** Referring now to FIG. 2, an example data center 200 implements an alternative embodiment of evaporative cooling. In the example data center 100 of FIGS. 1A-1D, outside air is drawn by the fans 116 and routed to the rack zone 141 through the cool air plenum 109 plenum. However, in the example of the data center 200, the outside air is evaporatively cooled and is then passed directly into a rack zone 204 of the data center 200.

**[0074]** Outside air is drawn by the fans 116 into an evaporation zone 202. Within the evaporation zone 202, atomized water is introduced into the air by the atomizers 142 and allowed to evaporate thereby cooling the air. In some embodiments, the evaporation zone 202 may provide a volume of space that is sufficient to allow the atomized water to evaporate substantially completely, such that liquid water does not enter the rack zone 204.

**[0075]** The cooled air is allowed to flow substantially freely (e.g., the air is generally not routed through plenums) into the rack zone 204. The cooled air flows among, through, and out of a rack zone 204 that includes a collection of rows of racks 206 where the air is warmed. The warmed air is then returned to the outside through an exhaust 114. In some implementations, the warmed air

may be drawn into an exhaust plenum located beneath the floor of the data center, where the warmed air may be routed outdoors.

**[0076]** In some embodiments, the data center 200 may be oriented such that the evaporative cooling system 112 faces in the general direction of naturally prevailing winds. For example, by orienting the data center 200 substantially along the direction of the prevailing winds, naturally occurring outdoor breezes may help cause cool air to flow into, through and out of the data center, and reduce the need for power to operate the fans 113 and 116.

**[0077]** It should be understood that the evaporative cooling system described in reference to FIG. 2 can be used in combination with one or more other cooling systems, similar to the evaporative cooling system described above in reference to FIGS. 1A-D.

**[0078]** FIG. 3 is a flow diagram of an example process 300. In general, the process 300 is a process executed by a controller for cooling a data center, such as the data center 100 or 200, by providing evaporatively cooled outdoor air to flow substantially directly into the data center (with or without using a cool air plenum), such as is discussed in description of FIGs. 1A-D and 2. The process 300 begins when outside air is drawn (310) into an entry zone of the data center. In some implementations, the entry zone may include such things as the louvers 110, shutters, or other similar structures that may be used to selectively allow or prevent the flow of outside air, and may also include the filters 115 and the fans 116.

**[0079]** Atomized water is sprayed (320) into the drawn outside air at a location downstream of the entry zone. For example, a mist of water may be produced by the atomizers 140 and/or 142 at or near the outlets of the fans 116.

The atomized water is allowed to evaporate in an evaporation zone and thereby cool the drawn outside air (330). In some implementations, the evaporation zone may be a space in which the sprayed atomized water and drawn air can mix long enough to allow the water to evaporate. For example, the evaporation zone may be the evaporation zone 143 or 202.

**[0080]** Optionally, a supplemental cooling system may be activated (335) as needed. For example, some outdoor environmental conditions (e.g., outdoor air with very high relative humidity) may limit how effectively the evaporative cooling system 112 may be able to cool the data center 100. To supplement the cooling effect provided by the evaporative cooling system 112, a supplemental cooling system including the components 118-134 (e.g., chillers, cooling towers, heat exchangers, pumps) may be optionally engaged to further cool the air in the data center 100.

**[0081]** The cool air is directed into a rack zone that is downstream of the evaporation zone (340). In some implementations, the cool air may be drawn through the racks to absorb heat that is generated by the computers in the racks, and is then exhausted outside of the data center. In some implementations, e.g., as described in reference to FIGs. 1A-D, the cool air is directed into a cool air plenum and then directed into the rack zone 141 by one or more diffusers 111. In other implementations, e.g., as described in reference to FIG. 2, the cool air is directed into the rack zone 204 without using a cool air plenum.

**[0082]** In some implementations, the process 300 may be used in addition to, or in conjunction with, processes for controlling data center temperatures using a supplemental cooling system. For example, cooling towers, water-to-water, air-

to-air and/or air-to-water heat exchangers, chillers, and/or other equipment may be used to supplement the cooling provided by an evaporative cooling system controlled by the process 300. In some implementations, a controller executing the steps of the process 300 may selectively activate a supplemental cooling system based on the measurements and on the temperature and relative humidity set points for the rack zone.

**[0083]** FIG. 4 shows a flow diagram of an example process 400. Generally speaking, the process 400 describes the control of a metered water flow to a collection of atomizers in an evaporative cooling system in which the cooled air is allowed to flow substantially freely into a data center (with or without the use of a cool air plenum), such as the data center 100 of FIGS. 1A-D or the data center 200 of FIG. 2. In some implementations, the process 400 may be performed by the controller 170. In some implementations, the process 400 may be used in the step 320 of the process 300.

**[0084]** The process 400 starts (410) and the temperature of the outside air supply is measured (420). The temperature measurement is used to determine (430) if the temperature exceeds the cold rack zone setpoint. If the temperature does not exceed the cold rack zone setpoint, then the atomizer flow is turned off, (440) and the outside air temperature is measured (420) again. If the temperature exceeds the cold rack zone setpoint, then the relative humidity of the supply air entering the rack zone, as well as the air flow rate, is measured (450). For example, if the air outside is already cooler than what is needed to cool the data center, then no evaporation is used to cool the air any further. In some implementations, the temperature and humidity may be measured using devices such as thermometers and humidistats.



**[0085]** The smaller of (A) the atomizer flow to reduce the outside air temperature to the setpoint, or (B) the atomizer flow to raise the relative humidity to the maximum allowed, is calculated (460). The calculated value is then used to update (470) the atomizer flow rate. Under some conditions, such as very high outside temperatures and/or relative humidities, the evaporative cooling system may not provide sufficient cooling even when the atomizer rate is at its substantially maximum flow rate. In some implementations, additional cooling beyond the capacity of the evaporative cooling system may be provided by activating a supplemental cooling system. The flow rate is based on the atomizer flow rate, the measured air temperature, the measured relative humidity, and the rack zone temperature and humidity set points. Once the flow rate is updated (470), the outside air supply temperature is measured (420) once again, and the cycle continues.

**[0086]** FIG. 5 is a flow diagram of an example process 500. In general, the process 500 describes the feedback-fed control of water flow in an evaporative cooling system in which the cooled air is allowed to flow substantially freely into a data center (with or without a cool air plenum), such as the data center 100 (FIGS. 1A-D) or data center 200 (FIG. 2). In some implementations, the process 500 may be performed by the controller 170. In some implementations, the process 500 may be used in the step 320 of the process 300.

**[0087]** The process 500 starts (510) and the temperature of the air entering the rack zone is measured (520), for example with a thermometer, and if the temperature is determined (530) to not exceed the rack zone temperature maximum, then the atomizer flow rate is reduced (540). Otherwise, if the temperature is determined (530) to exceed the rack zone temperature

maximum, then the humidity of the air entering the rack zone is measured (550).

For example, a humidistat may be used to measure the humidity of the air.

**[0088]** If the humidity is determined (560) to be above the maximum humidity level allowed, then the atomizer flow rate is reduced (540). Otherwise, if the humidity is determined (560) not to be above the maximum humidity level allowed, then the atomizer flow rate is increased (570). Under some conditions, such as very high outside temperatures and/or relative humidities, the evaporative cooling system may not provide sufficient cooling even when the atomizer flow rate is at its substantially maximum flow rate. In some implementations, additional cooling beyond the capacity of the evaporative cooling system may be provided by activating a supplemental cooling system. The atomizer flow rate is varied based on the previous atomizer flow rate, the measured air temperature, the measured relative humidity, and the rack zone temperature and humidity set points. The temperature of the air entering the rack zone is then measured (520) again.

**[0089]** Referring now to FIG. 6, an example data center 600 implements a combination of evaporative cooling and heat exchangers. Generally speaking, the data center 600 is configured in a manner similar to the data center 100 of FIGS. 1A-1D, except that that the racks of computers are not substantially exposed to the evaporatively cooled outside air. Instead, the evaporatively cooled outside air is used to cool the warm indoor air through heat exchangers. In some implementations, keeping the outside and indoor air substantially separated may be desirable when, for example, the outdoor air is generally dirty at the data center's location (e.g., a dusty desert location, a smoggy urban location, a pollen-rich rural area).

**[0090]** The data center includes an evaporative cooling system 602 controlled by a controller 670. In some implementations, the evaporative cooling system 602 may be the evaporative cooling system 112. In some implementations, the controller 670 may be a computer configured to receiving readings from various sensors placed about the data center 600 (e.g., thermostats, humidistats, flow sensors, pressure transducers) and respond to the sensed values by altering the operation of the evaporative cooling system 602 (e.g., changing atomizer flow rates, louver positions, fan speeds). In some implementations, the controller 670 may be substantially similar in function to the controller 170 of FIG. 1.

**[0091]** A set of louvers 604 are selectively opened to permit outside air to flow through the louvers 604 and a filter 606 into an entry zone 608. A collection of fans 610 draw the air from the entry zone 608 to an evaporation zone 612. Within the evaporation zone 612, a collection of atomizers 614 controllably sprays atomized water into the drawn air. As the atomized water evaporates, heat energy is drawn out of, and thereby cools, the air within the evaporation zone 612. The cooled outside air is passed through an outside air plenum 616 that substantially intersects with one or more heat exchangers 620, and is finally exhausted back to the outside by an exhaust fan 622.

**[0092]** A workspace 630 is defined around a number of parallel rows of computers mounted in vertical racks, such as racks 632a, 632b, 632c, 632d included in a rack zone 636. Air may circulate from the workspace 630 across the trays and into hot exhaust spaces behind the trays (not shown). As the air flows across the trays, the air absorbs heat that is generated by the computers thereby cooling the trays and heating the air. The heated air may be routed upward into a hot air plenum 640, by chimney plenums 634, or into a raised floor

or basement, or other appropriate space, and may be gathered there by air handling units that include, for example, one or more fans appropriately sized for the task.

**[0093]** A circulation fan 626 draws the heated air through the hot air plenum to an indoor air plenum 618 that substantially intersects with the heat exchangers 620. As the heated indoor air passes through the heat exchangers 620, heat energy from the heated air is transferred to the cooled outdoor air. In other words, the cool outdoor air is heated by cooling the hot indoor air without substantial mixing of the indoor and outdoor air.

**[0094]** The cooled indoor air is then drawn through the fan 626 into a cool air plenum 650. The cool air plenum 650 routes the cooled indoor air to one or more diffusers, e.g., diffusers 624 such that the cooled indoor air is distributed into the rack zone 636 and throughout the work space 630.

**[0095]** In some implementations, the heat exchangers 620 can be air-to-air heat exchangers. In a particular example, the air-to-air heat exchangers are heat wheel heat exchangers. In the example shown, there are three heat exchangers 620 arranged in series. In other implementations, more or less heat exchangers can be used and they can be positioned in series or in other configurations relative to each other.

**[0096]** FIGS. 7A and 7B provide a close-up view of an example evaporative cooling system 700 that can be the evaporative cooling system 602 of FIG. 6. In this example, the heat exchangers 620 are air-to-air heat wheel exchangers 750. It should be understood however, that other forms of heat exchangers can be used. The evaporative cooling system 700 includes a number of fans 702 and a collection of atomizers 704. Outside air is drawn through the fans 702 into an

evaporation zone 706. Within the evaporation zone 706, a controlled atomized mist of water provided by the atomizers 704 is evaporated. As the water evaporates, the outside air is cooled. Example processes for controlling the evaporative cooling of air using heat exchangers is discussed in the descriptions of FIGS. 8-10.

**[0097]** The cooled outside air flows into an outside air plenum 708 that substantially intersects with the heat exchangers 750. The heat exchangers 750 also substantially intersect an indoor air plenum 710. The indoor air plenum 710 carries hot air from the data center and through the heat exchangers 750. The heat exchangers 750 transfer heat energy from the hot indoor air to the cooled outside air, thereby cooling the indoor air and heating the outside air. In some implementations, since the outside air may be substantially isolated from a work space (e.g., the work space 630 of FIG. 6), this form of cooling may be referred to as “indirect” cooling.

**[0098]** The heated outside air is exhausted to the outdoors by a vent 712 that, in some embodiments, may include a vent fan 714. The cooled indoor air is drawn out to the data center by a fan 716. In some implementations, the flow of air to the data center may be measured by a flow meter. In some implementations, the cooled air may be cooled further by evaporatively cooling the air with a controllable water mist provided by a collection of atomizers 718 within a misting evaporation zone 720.

**[0099]** In the example of the evaporative cooling system 700, the heat exchangers 750 implement a technology referred to as “heat wheels”. Generally speaking, a heat wheel is a rotary heat exchanger that operates on the air-to-air principle of heat transfer. It can provide a way of recovering air conditioning

energy in hot, humid climates. Heat wheels can improve air-side economization (e.g., free cooling, the use of outside air to cool servers in the data center). Rather than introducing exterior air directly into the data center, the heat wheel briefly mixes the outside air and exhaust air to create an “air-to-air” heat exchanger. Some examples of heat wheels that may be used in various implementations of the evaporative cooling system 700 are the “TC” and “TF” series “Thermowheel” heat wheel products available from Thermotech Enterprises, Inc. of Tampa, FL.

**[00100]** Referring now to FIG. 7B, one of the heat exchangers 750 is shown in additional detail. A heat wheel 752 rotates about an axis 754. Cool (and in some situations, dry) outside air 760 enters one side of the rotating heat wheel 752 and passes through a heat transfer media (not shown), chilling the heat wheel 752. In some implementations, the heat transfer media may be coated with a desiccant, and the cool exhaust air 760 may flow over the heat transfer media, thereby drying the desiccant. This cool and/or dry part of the heat wheel 752 then rotates into a supply of indoor air 762 where it absorbs heat, and in some implementations humidity, from the hot indoor air 762. In some implementations, the heat wheel 752 may cool the indoor air 762 without allowing the indoor air 762 and the outside air 760 to substantially mix. In some implementations, the heat wheel 752 may include a heat transfer media, e.g., made out of corrugated aluminum foil with a high surface area per volume and laminar flow. In some implementations, dry particles (e.g., up to 900 microns) may pass freely through the media. In some implementations, the heat transfer media may be supplied with a “Balanced Sieve” (e.g., 3Å or 4Å molecular sieve) hygroscopic solid desiccant coating for selective adsorption of water vapor and

substantially equal sensible and latent heat transfer. In some implementations, the edges of the heat transfer media may include an anti-corrosion epoxy coating.

**[00101]** Referring now to FIG. 8, a process 800 is illustrated as a flow diagram. In general, the process 800 describes how evaporative cooling may be used for the indirect cooling of a data center (e.g., cooling through the use of heat exchangers such as heat wheels). In some implementations, the process 800 may be used by a controller (e.g., the controller 170 of FIG. 1) in communication with the data center 600 of FIG. 6 to control the use of evaporative cooling.

**[00102]** The process 800 begins when outside air is drawn (810) at ambient conditions into an entry zone of a data center (e.g., the entry zone 608). For example, the ambient conditions may be the naturally occurring temperature and humidity of the outdoor air that surrounds the data center. Atomized water is sprayed (820) into the outside air at a location, an evaporation zone, downstream of the entry zone (e.g., the evaporation zone 612). The atomized water is allowed (830) to evaporate and cool the outside air in the evaporation zone.

**[00103]** The cool air is directed (840) to one side of a heat exchanger positioned between the evaporation zone and a rack zone. For example, the heat exchangers 620 and 750 are positioned at the boundary between the outside air supply and the indoor air that is supplied to the work space 630 and a rack zone occupied by the racks 632a-632d. The cool air is directed (840) through one side of the heat exchangers 620 by the outside air plenum 616.

**[00104]** Hot air from the rack zone is directed (850) into an opposite side of the heat exchanger to cool the air. For example, the indoor air plenum 618 directs air heated by the computers over the other side of the heat exchangers 620.

**[00105]** Optionally, a supplemental cooling system may be activated (855) as needed. For example, some outdoor environmental conditions (e.g., outdoor air with very high relative humidity) may limit how effectively the evaporative cooling system 602 may be able to cool the data center 600. To supplement the cooling effect provided by the evaporative cooling system 602, a supplemental cooling system including the components 118-134 of FIG. 1C (e.g., chillers, cooling towers, heat exchangers, pumps) may be optionally engaged to further cool the air in the data center 600.

**[00106]** The cooled air from the heat exchangers is then recirculated (860) back into the rack zone. For example, the cool air plenum 650 carries air cooled by the heat exchangers 620 back to the work space 630 where the air is dispersed by the diffusers 624.

**[00107]** In some implementations, the process 800 may be used in addition to, or in conjunction with, processes for controlling data center temperatures using a supplemental cooling system. For example, cooling towers, water-to-water and air-to-water heat exchangers, chillers, or other equipment may be used to supplement the cooling provided by an evaporative cooling system controlled by the process 800. In some implementations, a controller executing the steps of the process 800 may selectively activate the supplemental cooling system based on the measurements and on the temperature and relative humidity set points for the rack zone.



**[00108]** FIG. 9 is a flow diagram of an example process 900. In general, the process 900 describes the control of a metered water flow in an evaporative cooling system in which cooled outdoor air indirectly cools the air inside a data center (e.g., through heat exchangers), such as in the data center 600 of FIG. 6. In some implementations, the process 900 may be used in the step 820 of the process 800. In some implementations, the process 900 may be performed by a controller in communication with the various cooling systems of the data center, such as the controller 170 of FIG. 1.

**[00109]** The process 900 starts (910) and the temperature of the air entering a rack zone is measured (920). The temperature measurement is used to determine (930) if the temperature exceeds the cold rack zone setpoint. If the temperature does not exceed the cold rack setpoint, then the atomizer flow is maintained off (940) and the temperature is measured (920) again.

**[00110]** Otherwise, the relative humidity and air flow rate of the supply air entering the rack zone is measured (950). The smaller of (A) the atomizer flow needed to reduce the outside air temperature to the setpoint, or (B) the atomizer flow needed to saturate the humid exhaust, is calculated (960). For example, the flow rate (A) may be implemented when the outdoor air is sufficiently dry to allow evaporative cooling to reduce the air temperature to the cool rack zone setpoint. In another example, the flow rate (B) may be implemented to cool the outside air as much as possible while still substantially evaporating the atomized water, thereby possibly preventing liquid water from precipitating out of the outside air or condensing within the plenum or heat exchangers. The calculated (960) flow rate is then used to update (970) the atomizer flow rate (e.g., to turn on the atomizer flow if off, or adjust the atomizer flow if already on). Once the

flow rate has been updated (970) the air temperature is measured (920) once again. As such, the flow rate is varied based on the previous atomizer flow rate, the measured air temperature, the measured relative humidity, and the rack zone temperature and humidity set points. Under some conditions, such as very high outside temperatures and/or relative humidities, the evaporative cooling system may not provide sufficient cooling even when the atomizer flow rate is at its substantially maximum flow rate. In some implementations, additional cooling beyond the capacity of the evaporative cooling system may be provided by activating a supplemental cooling system. FIG. 10 is a flow diagram of an example process 1000. In general, the process 1000 describes a feedback-fed control of water flow in an evaporative cooling system in which the cooled air is used to indirectly cool (e.g., using heat exchangers or heat wheels) a data center, such as the data center 600, and the computers inside it. In some implementations, the process 1000 may be used in the step 820 of the process 800. In some implementations, the process 1000 may be performed by a controller in communication with the various cooling systems of the data center, such as the controller 170 of FIG. 1.

**[00111]** The process 1000 starts (1010) and the temperature of the air entering a rack zone is then measured (1020) to determine (1030) if the air temperature exceeds a rack zone maximum temperature. If the temperature is determined (1030) to not exceed the rack zone maximum temperature, then the atomization flow rate is reduced (1040) and the air temperature is measured (1020) again. Otherwise, the humidity of the humid exhaust is measured (1050). For example, if the temperature does not exceed the rack zone's upper operating temperature,

then no additional cooling of the outside air may be needed thereby conserving water.

**[00112]** If the humidity of the humid exhaust is determined (1060) to be above saturation, then the atomization flow rate remains off or is reduced (1040). For example, the flow rate may be reduced (1040) since saturated air cannot evaporate additional liquid water. As such, the atomized mist may pool as liquid water within the evaporation zone 612, condense within the plenum 616 or the heat exchangers 620, or be vented outside without substantially cooling the air. Otherwise, the atomization flow rate is increased (1070) and the air temperature is measured (1020) again. As such, the flow rate is varied based on the previous atomizer flow rate, the measured air temperature, the measured relative humidity, and the rack zone temperature and humidity set points. Under some conditions, such as very high outside temperatures and/or relative humidities, the evaporative cooling system may not provide sufficient cooling even when the atomizer flow rate is at its substantially maximum flow rate. In some implementations, additional cooling beyond the capacity of the evaporative cooling system may be provided by activating a supplemental cooling system.

**[00113]** A number of embodiments have been described. Nevertheless, it will be understood that various modifications can be made without departing from the spirit and scope of the invention.

**[00114]** In addition, the logic flows depicted in the figures do not require the particular order shown, or sequential order, to achieve desirable results. In addition, other steps can be provided, or steps can be eliminated, from the described flows, and other components can be added to, or removed from, the

described systems. Accordingly, other embodiments are within the scope of the following claims.

**WHAT IS CLAIMED IS:**

1. A data center cooling system comprising:

a plurality of fans configured to circulate outside air at ambient conditions through an entry zone of a data center;

5 a plurality of atomizers positioned upstream of the entry zone configured to spray atomized water into the circulating outside air;

an evaporation zone where the atomized water evaporates and cools the outside air to produce cooled air;

a rack zone positioned downstream of the evaporation zone that comprises a plurality of computer racks arranged in a plurality of substantially parallel rows;

10 wherein the fans are further configured to circulate the cooled air from the evaporation zone into the rack zone.

2. The system of claim 1, further comprising:

a cool air plenum in fluid communication with the evaporation zone and configured to capture the cooled air and then to direct the cooled air into the rack zone at predetermined discrete locations.

3. The system of claim 2, wherein the cool air plenum comprises one or more conduits positioned above and substantially sealed from the rack zone and is bordered by one or more diffusers configured to direct the cooled air downwardly into the rack zone.

4. The system of claim 2, wherein the cool air plenum comprises one or more conduits positioned below and substantially sealed from the rack zone and is bordered by one or more diffusers configured to direct the cool air upwardly into the rack zone.

5. The system of claim 1, further comprising:

5 a hot air plenum in fluid communication with the rack zone and configured to capture heated air that has been circulated past electronic equipment in the rack zone.

6. The system of claim 5, wherein the hot air plenum comprises one or more conduits positioned above a top level of the rack zone such that hot air vents upwardly into the hot air plenum.

10 7. The system of claim 5, wherein the hot air plenum comprises one or more conduits positioned beneath a bottom level of the rack zone, the system further comprising one or more fans configured to draw hot air from the rack zone downwardly into the hot air plenum.

15 8. The system of claim 1, wherein the entry zone comprises an opening in a wall of the data center and a plurality of louvers extending across the opening.

9. The system of claim 8, further comprising:

a filter system positioned inside the entry zone upstream of the plurality of fans to filter outside air entering the entry zone.

10. The system of claim 1, further comprising:

a cool air plenum configured to capture the cooled air and to direct the cooled air into the rack zone, the cool air plenum comprising:

a supply conduit in fluid communication with the evaporation zone that  
5 extends substantially the width of the rack zone and is configured to capture the cooled air from the evaporation zone;

a plurality of delivery conduits connected to the supply conduit, each projecting in a substantially perpendicular direction from the supply conduit and extending substantially the length of the rack zone.

10 11. The system of claim 10, wherein the cool air plenum is positioned above the rack zone and the plurality of delivery conduits are in sealed fluid communication with a plurality of diffusers configured to direct the cool air downwardly into the rack zone.

12. The system of claim 10, wherein the cool air plenum is positioned below a floor that supports equipment in the rack zone, and the plurality of delivery conduits are in  
15 sealed fluid communication with a plurality of diffusers configured to direct the cool air upwardly through perforations in the floor into the rack zone.

13. The system of claim 10, further comprising:

one or more exhaust fans configured to draw into a hot air plenum heated air that has been circulated past electronic equipment in the rack zone; and

20 the hot air plenum configured to capture the heated air, comprising:

an exhaust conduit that extends substantially the width of the rack zone

and is configured to receive the hot air from a plurality of return conduits and to vent the hot air outside the data center; and

the plurality of return conduits connected to the exhaust conduit, each projecting in a substantially perpendicular direction from the exhaust conduit and extending substantially the length of the rack zone, wherein the return conduits include one or more apertures such that the hot air is drawn from the rack zone into the return conduit through the apertures and directed to the exhaust conduit;

wherein the plurality of delivery conduits of the cool air plenum are arranged in parallel to the plurality of return conduits of the hot air plenum and alternate with each other across the width of the rack zone.

14. The system of claim 1, wherein:

the entry zone comprises an opening in a wall of the data center and a plurality of louvers extending across the opening;

the plurality of fans comprises a wall of fans that is substantially the same size as the opening in the wall of the data center; and

the plurality of atomizers comprises atomizers spaced at intervals in rows extending across the wall of fans.

15. The system of claim 1, wherein:

the entry zone comprises an opening in a wall of the data center and a plurality of louvers extending across the opening;

the plurality of fans comprises a wall of fans that is substantially the same size as the opening in the wall of the data center; and



the plurality of atomizers comprises atomizers spaced at intervals in a row positioned above and downstream of the plurality of fans.

16. The system of claim 1, further comprising:

a control system comprising:

5 a thermometer configured to measure a wet or dry bulb temperature, or both, of the outside air;

a flow meter configured to measure a rate of flow of cooled air into the rack zone;

a humidistat configured to measure a humidity level of the cooled air; and

10 a controller configured to receive the measurements from the thermometer, flow meter, and humidistat, and to control the flow rate of water to the plurality of atomizers based on the measurements and a temperature and humidity set point for the rack zone.

17. The system of claim 16, further comprising:

15 a supplemental cooling system for the data center that comprises:

a cooling tower;

a water-to-water heat exchanger in fluid communication with the cooling tower;

20 an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone

wherein:

the supplemental cooling system is arranged to be activated to cool the

hot air from the rack zone and to recirculate the cooled air back into the rack zone;

the controller is further configured to selectively activate the supplemental cooling system to cool the rack zone based on the measurements and on the temperature and relative humidity set point for the rack zone.

5 18. The system of claim 17, wherein:

the supplemental cooling system further comprises a chiller in fluid communication with the air-to-water heat exchanger; and

the controller is further configured to selectively activate the chiller based on the measurements and on the temperature and relative humidity set point for the rack zone.

10 19. The system of claim 1, further comprising:

a control system comprising:

a thermometer configured to measure the temperature of the cool air;

a humidistat configured to measure the relative humidity of the cool air;

a controller configured to receive the measurements from the thermometer

15 and humidistat and to control the flow rate of water to the plurality of atomizers based on the measurements and a maximum allowable temperature and relative humidity for the rack zone.

20. The system of claim 19, further comprising:

a supplemental cooling system for the data center that comprises:

20 a cooling tower;

a water-to-water heat exchanger in fluid communication with the cooling

tower;

an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone

wherein:

5 the supplemental cooling system is arranged to be activated to cool the hot air from the rack zone and to recirculate the cooled air back into the rack zone;

the controller is further configured to selectively activate the supplemental cooling system to cool the rack zone based on the measurements and on the maximum allowable temperature and relative humidity for the rack zone.

10 21. The system of claim 20, wherein:

the supplemental cooling system further comprises a chiller in fluid communication with the air-to-water heat exchanger; and

the controller is further configured to selectively activate the chiller based on the measurements and on the maximum allowable temperature and relative humidity for the rack zone.

22. A data center cooling system comprising:

a plurality of fans configured to draw outside air at ambient conditions into an entry zone of a data center;

20 a plurality of atomizers positioned downstream of the entry zone configured to spray atomized water into the outside air;

an evaporation zone where the atomized water evaporates and cools the outside air to produce cooled air;

a rack zone positioned downstream of the evaporation zone that comprises a plurality of computer racks arranged in a plurality of substantially parallel rows;

an air-to-air heat exchanger positioned between the evaporation zone and the rack zone.

5      23.      The system of claim 22, wherein the air-to-air heat exchanger comprises:

one or more heat wheels;

a first conduit positioned on the evaporation zone-side of the one or more heat wheels and configured to receive the cooled air and direct the cooled air through the one or more heat wheels; and

10              a second conduit positioned on the rack zone-side of the one or more heat wheels and configured to receive hot air from the rack zone, direct the hot air through the one or more heat wheels and redirect the now cooled air back into the rack zone.

24.      The system of claim 23, further comprising:

15              a second plurality of atomizers positioned downstream of the heat exchanger and configured to spray atomized water into the cooled air before the cooled air enters the rack zone; and

a second evaporation zone where the atomized water from the second plurality of atomizers evaporates and further cools the air before the air enters the rack zone.

25.      The system of claim 24, further comprising:

20              a control system comprising:

a thermometer configured to measure a temperature of the cooled air

redirected back to the rack zone;

a flow meter configured to measure a rate of flow of the now cooled air into the rack zone;

a humidistat configured to measure a relative humidity of the now cooled  
5 air;

a controller configured to receive the measurements from the thermometer, flow meter, and humidistat, and to control the flow rate of water to the plurality of atomizers based on the measurements and on a temperature and relative humidity set point for the rack zone.

10 26. The system of claim 24, further comprising:

a supplemental cooling system for the data center that comprises:

a cooling tower;

a water-to-water heat exchanger in fluid communication with the cooling  
tower;

15 an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone

wherein:

the supplemental cooling system can be activated to cool hot air from the rack zone and to recirculate cooled air back into the rack zone;

20 the controller is further configured to selectively activate the supplemental cooling system to cool the rack zone based on the measurements and on the temperature and relative humidity set point for the rack zone.

27. The system of claim 26, wherein:

the supplemental cooling system further comprises a chiller in fluid communication with the air-to-water heat exchanger; and

the controller is further configured to selectively activate the chiller based on the measurements and on the temperature and relative humidity set point for the rack zone.

28. The system of claim 23, further comprising:

a control system comprising:

a thermometer configured to measure the temperature of the cooled air redirected back into the rack zone;

a humidistat configured to measure the relative humidity of the now cooled air;

a controller configured to receive the measurements from the thermometer and humidistat and to control the flow rate of water to the plurality of atomizers based on the measurements and on a maximum allowable temperature and relative humidity for the rack zone.

29. The system of claim 28, further comprising:

a supplemental cooling system for the data center that comprises:

a cooling tower;

a water-to-water heat exchanger in fluid communication with the cooling tower;

an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone

wherein:

the supplemental cooling system can be activated to cool the hot air from the rack zone and to recirculate the cooled air back into the rack zone;

the controller is further configured to selectively activate the supplemental cooling system to cool the rack zone based on the measurements and on the maximum allowable temperature and relative humidity for the rack zone.

30. The system of claim 29, wherein:

the supplemental cooling system further comprises a chiller in fluid communication with the air-to-water heat exchanger; and

the controller is further configured to selectively activate the chiller based on the measurements and on the maximum allowable temperature and relative humidity for the rack zone.

31. A method for cooling a data center comprising:

drawing outside air at ambient conditions into an entry zone of the data center;

spraying atomized water into the outside air downstream of the entry zone;

providing an evaporation zone where the atomized water evaporates and cools the outside air to cool air;

directing the cool air into a rack zone positioned downstream of the evaporation zone that comprises a plurality of computer racks arranged in a plurality of substantially parallel row, wherein the rack zone is in fluid communication with the evaporation zone.

32. The method of claim 31, wherein directing the cool air into the rack zone comprises directing the cooled air into a cool air plenum in fluid communication with the evaporation zone and configured to capture the cooled air and directing the cooled air from the cool air plenum into the rack zone.

5 33. The method of claim 31, further comprising:  
capturing hot air from the rack zone in a hot air plenum in fluid communication with the rack zone and venting the hot air out of the data center.

34. The method of claim 31, further comprising:  
filtering the outside air upstream of spraying atomized water into the outside air.

10 35. The method of claim 31, further comprising:  
determining a temperature of the outside air, the rate of flow of cooled air into the rack zone and a humidity level of the cool air; and  
controlling a flow rate of water to a plurality of atomizers generating the spray based on the determinations and on a temperature and humidity set point for the rack  
15 zone.

36. The method of claim 35, further comprising:  
selectively activating a supplemental cooling system for the data center based on the determinations and on the temperature and humidity set point for the rack zone, wherein the supplemental cooling system comprises:

20 a cooling tower;

a water-to-water heat exchanger in fluid communication with the cooling



tower;

an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone.

37. The method of claim 36, wherein the supplemental cooling system further

5 comprises a chiller in fluid communication with the air-to-water heat exchanger, method further comprising:

selectively activating the chiller based on the determinations and on the temperature and humidity set point for the rack zone.

38. The method of claim 31, further comprising:

10 determining a temperature and a humidity level of the cool air and controlling the flow rate of water to a plurality of atomizers generating the spray based on the determinations and on a maximum allowable temperature and humidity level for the rack zone.

39. The method of claim 38, further comprising:

15 selectively activating a supplemental cooling system for the data center based on the determinations and on the maximum allowable temperature and humidity level for the rack zone, wherein the supplemental cooling system comprises:

a cooling tower;

a water-to-water heat exchanger in fluid communication with the cooling

20 tower;

an air-to-water heat exchanger in fluid communication with the water-to-water heat exchanger and positioned to receive hot air from the rack zone.

40. The method of claim 39, wherein the supplemental cooling system further comprises a chiller in fluid communication with the air-to-water heat exchanger, method  
5 further comprising:

selectively activating the chiller based on the determinations and on the maximum allowable temperature and humidity level for the rack zone.

41. A method for cooling a data center comprising:

drawing outside air at ambient conditions into an entry zone of the data center;

10 spraying atomized water into the outside air downstream of the entry zone;

providing an evaporation zone where the atomized water evaporates and cools the outside air to cool air;

directing the cool air into an air-to-air heat exchanger that is positioned between the evaporation zone and a rack zone;

15 directing hot air from a rack zone of the data center into the air-to-air heat exchanger and cooling the hot air to cooled air; and

recirculating the cooled air from the heat exchanger back into the rack zone, where the rack zone comprises a plurality of computer racks arranged in a plurality of substantially parallel rows.

20 42. The method of claim 41, further comprising:

before recirculating the cooled air into the rack zone, spraying the air with

atomized water to further cool the air and then recirculating the further cooled air back into the rack zone.

43. The method of claim 41, wherein the air-to-air heat exchanger comprises:

one or more heat wheels;

5 a first conduit positioned on the evaporation zone-side of the one or more heat wheels and configured to receive the cool air and direct the cool air through the one or more heat wheels; and

a second conduit positioned on the rack zone-side of the one or more heat wheels and configured to receive hot air from the rack zone and the direct the hot air  
10 through the one or more heat wheels to cool the air.

44. The method of claim 41, further comprising:

determining the temperature, humidity level and flow rate of the cooled air being recirculated back to the rack zone and controlling the flow rate of water to a plurality of atomizers generating the spray based on the determinations and on a temperature and  
15 humidity set point for the rack zone.

45. The method of claim 41, further comprising:

determining the temperature and humidity level of the cooled air being recirculated back into the rack zone and controlling the flow rate of water to a plurality of atomizers generating the spray based on the determinations and on a maximum  
20 allowable temperature and humidity level for the rack zone.

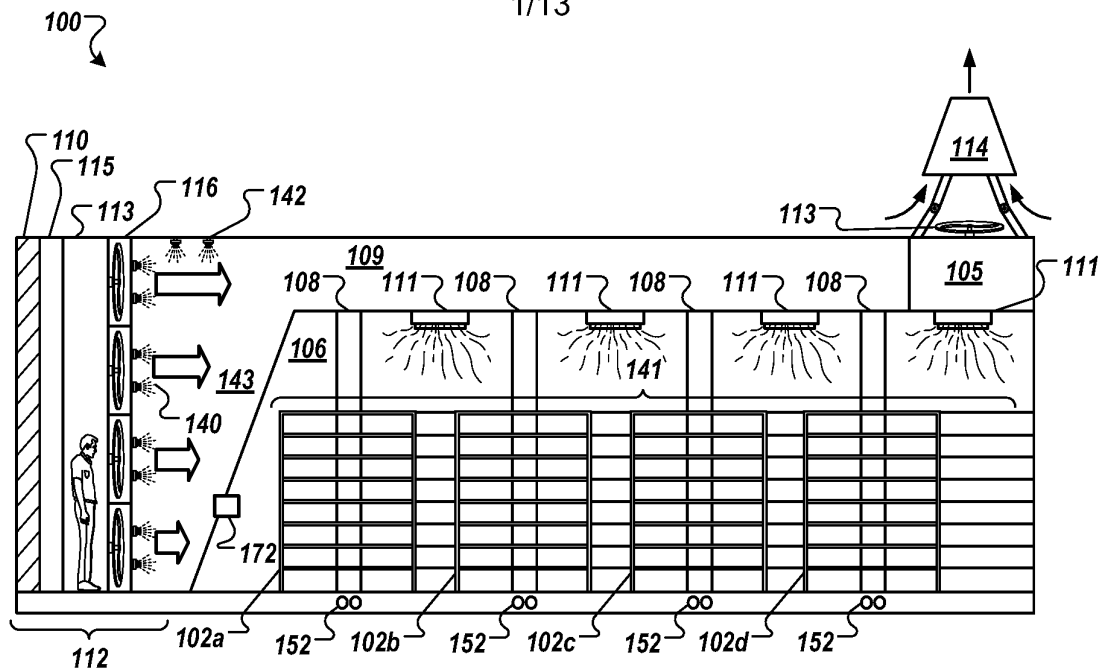


FIG. 1A

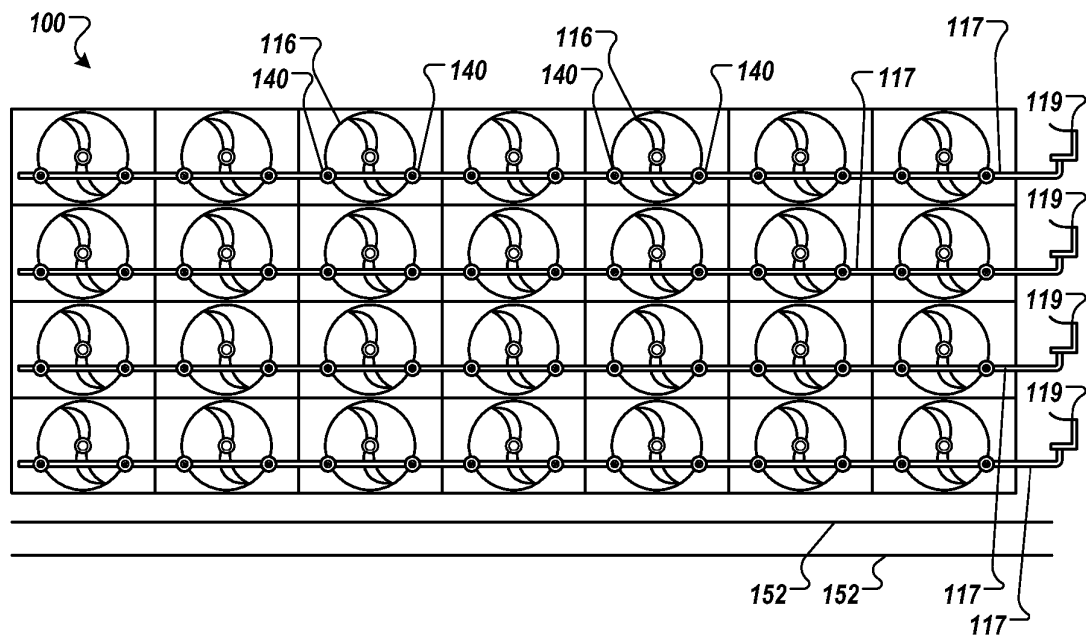


FIG. 1B

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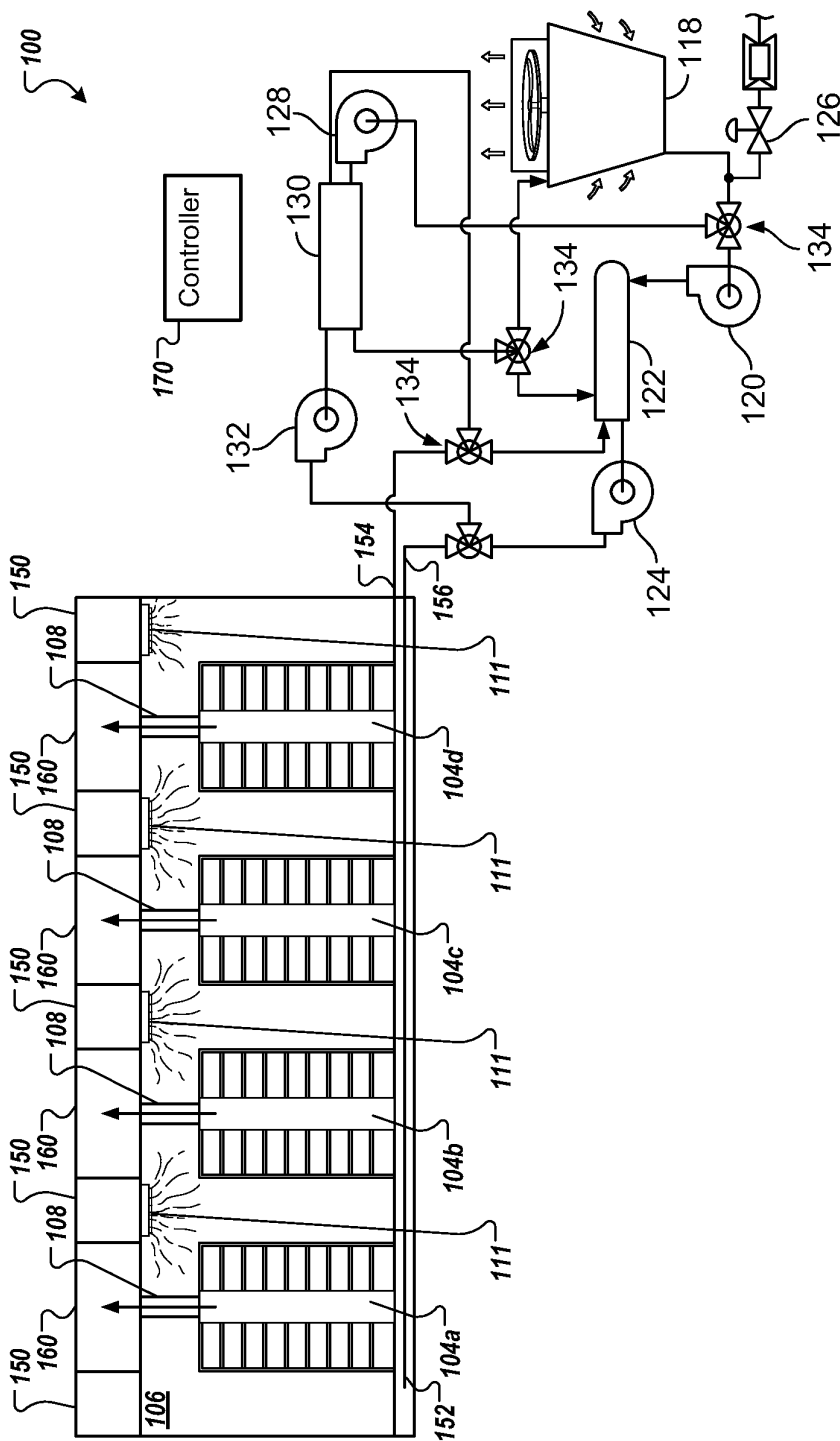


FIG. 1C

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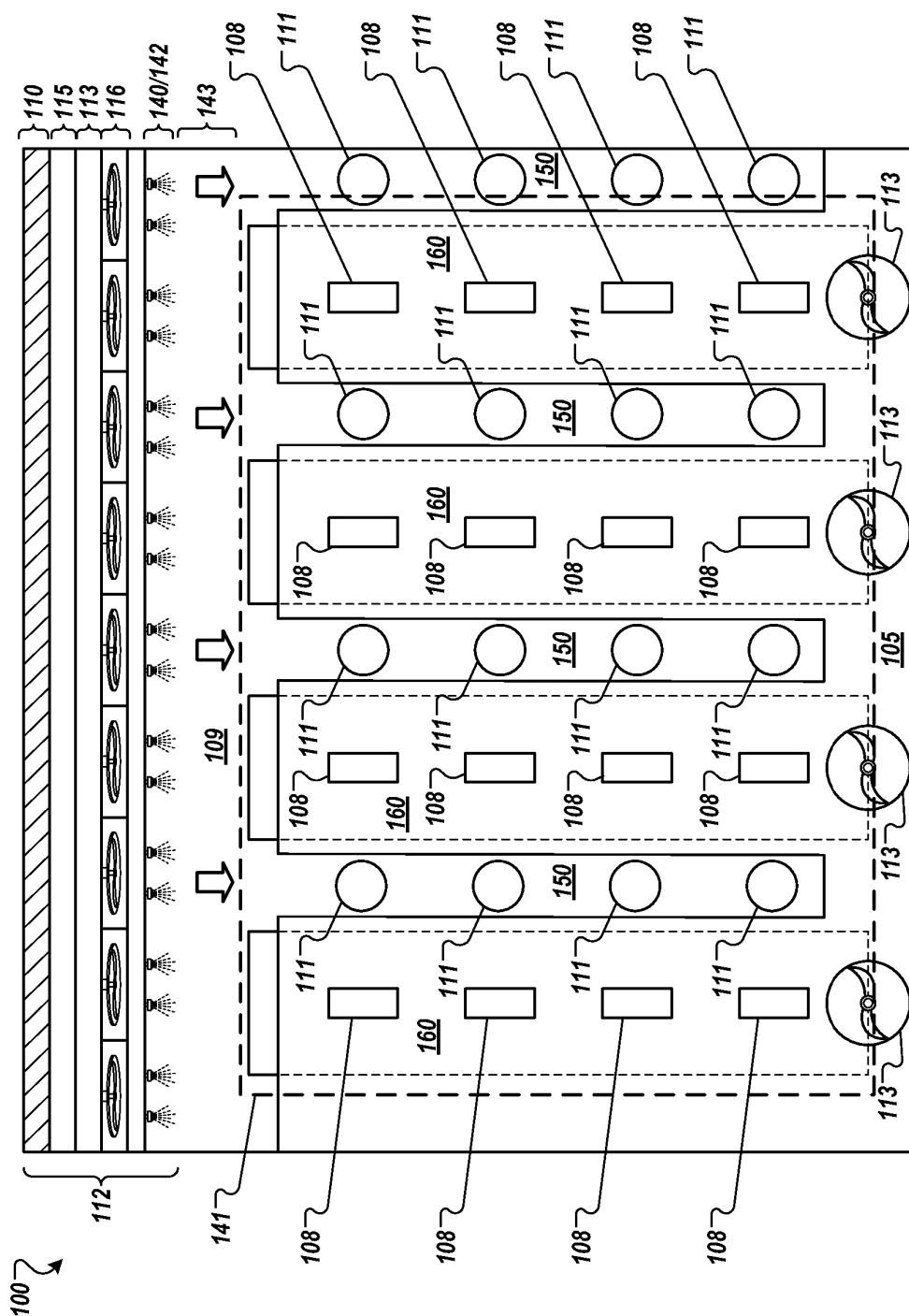


FIG. 1D

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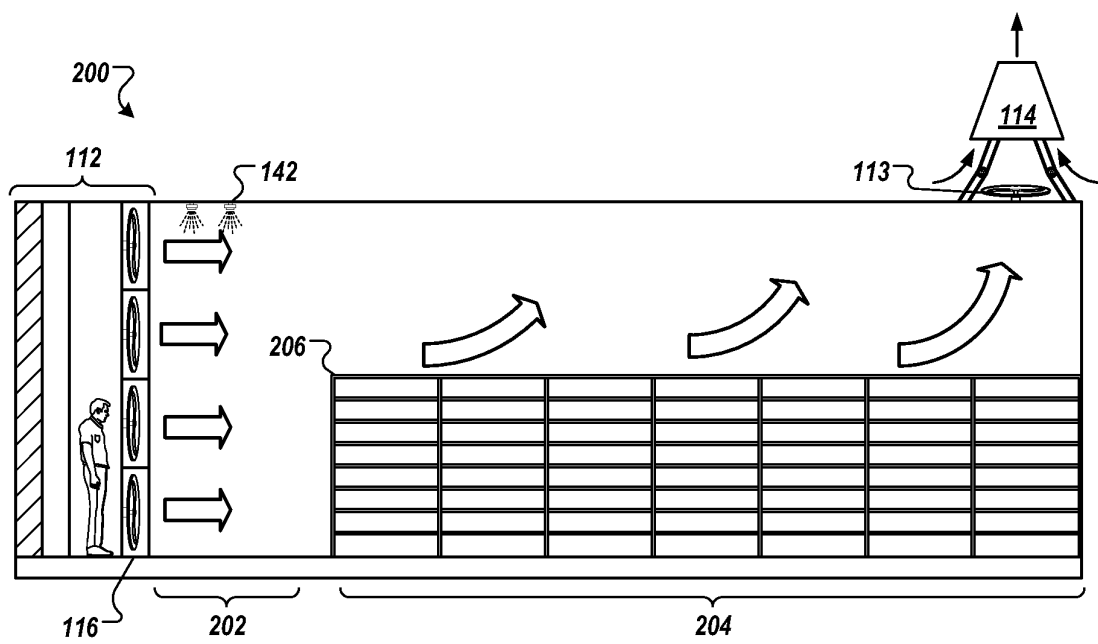


FIG. 2

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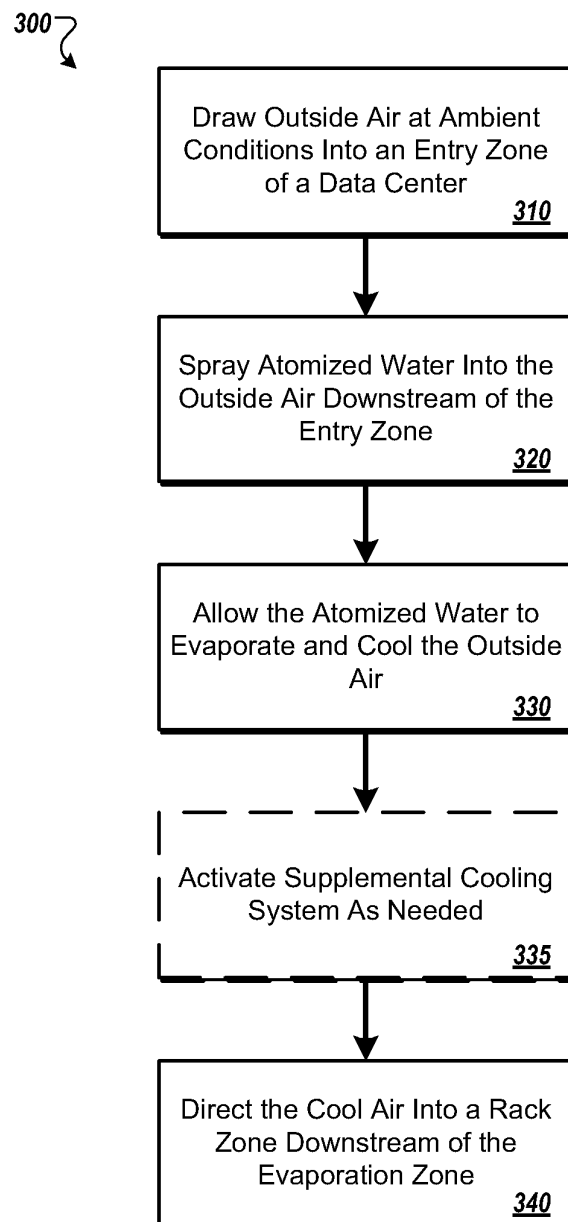


FIG. 3



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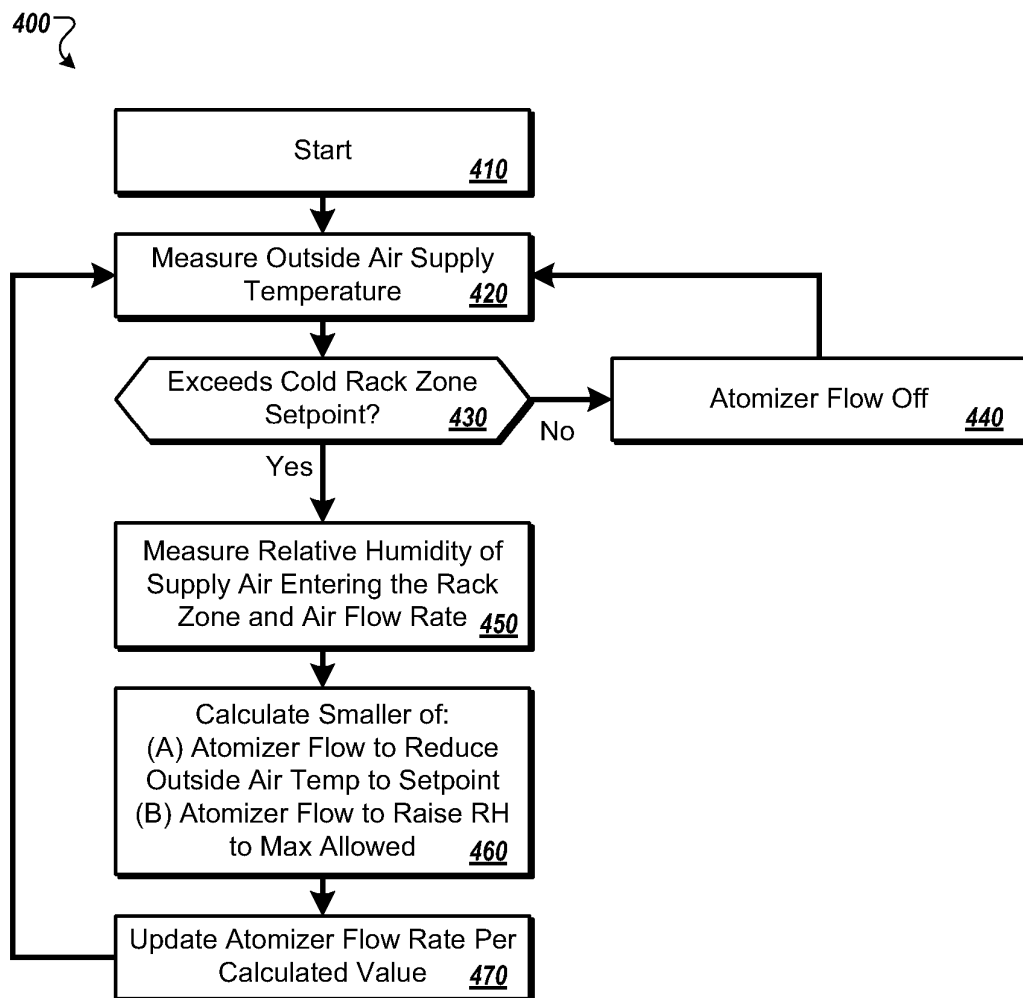


FIG. 4

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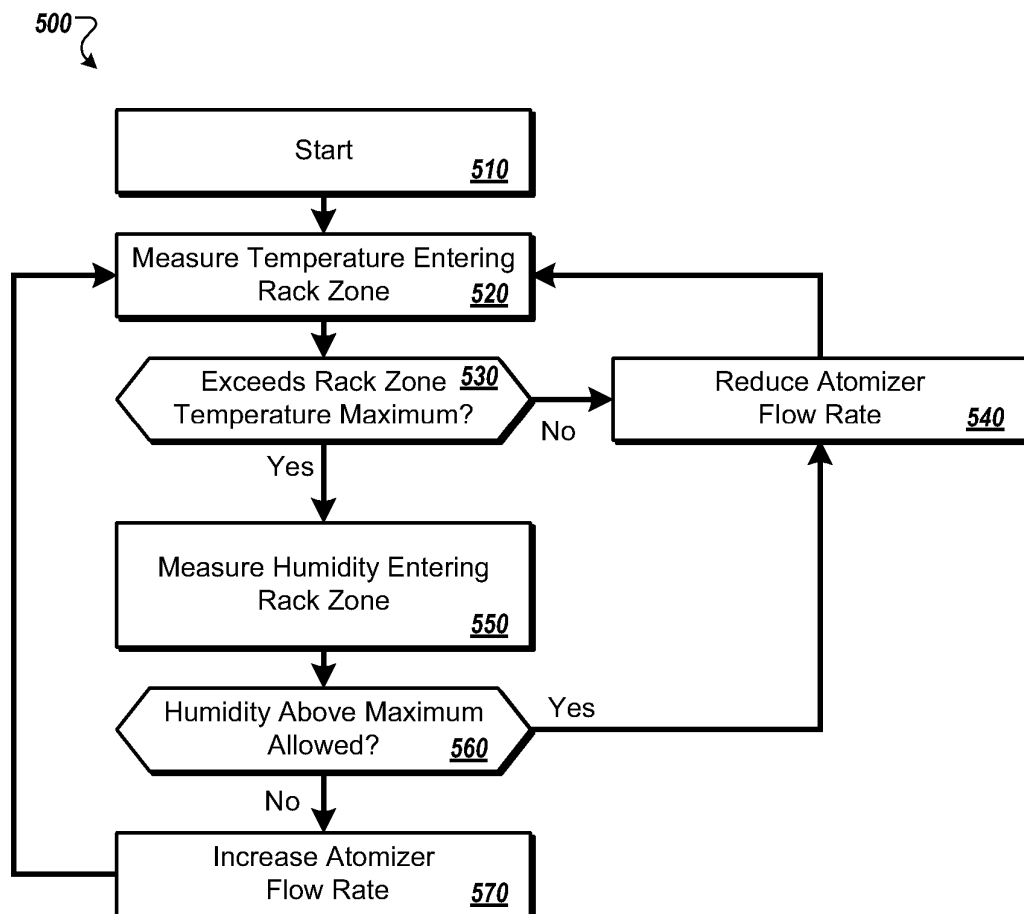


FIG. 5

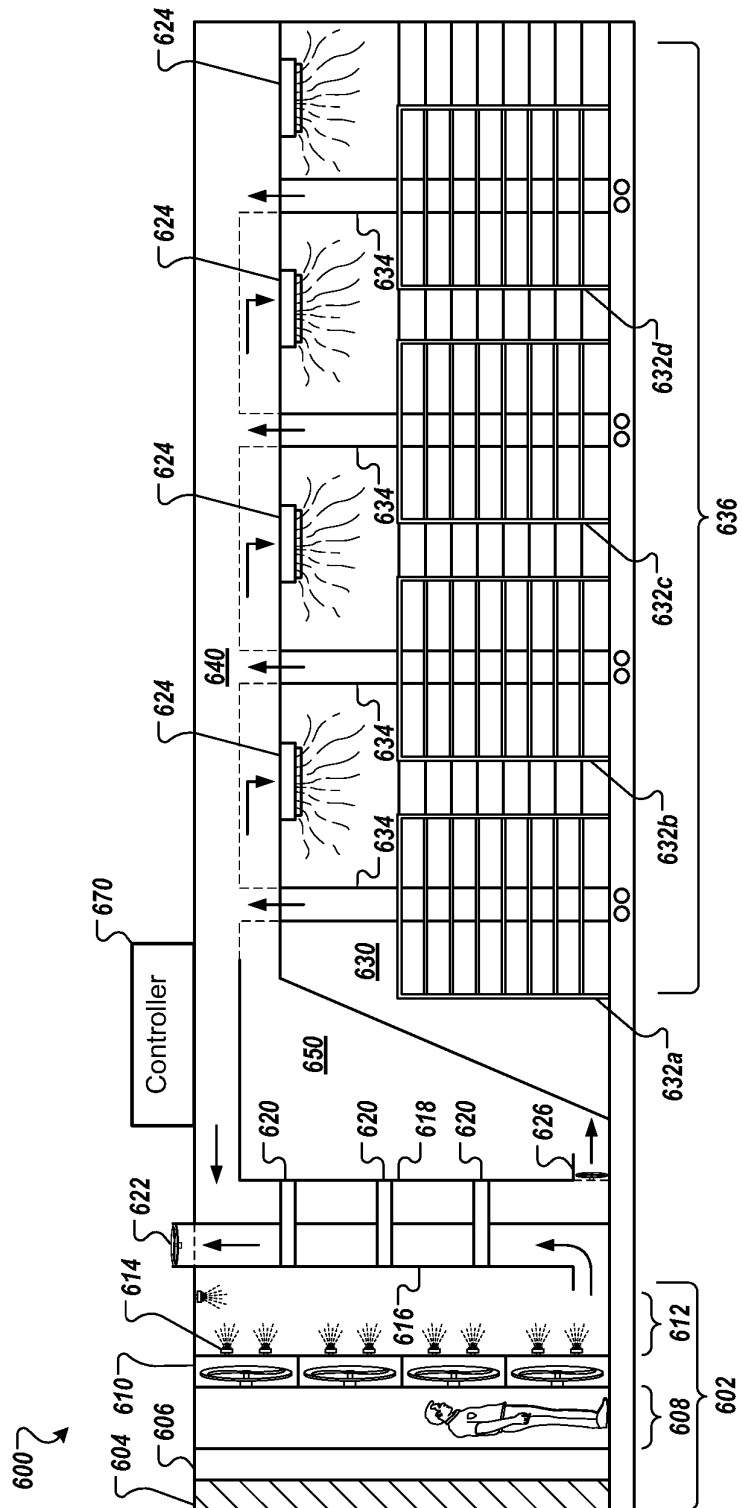


FIG. 6

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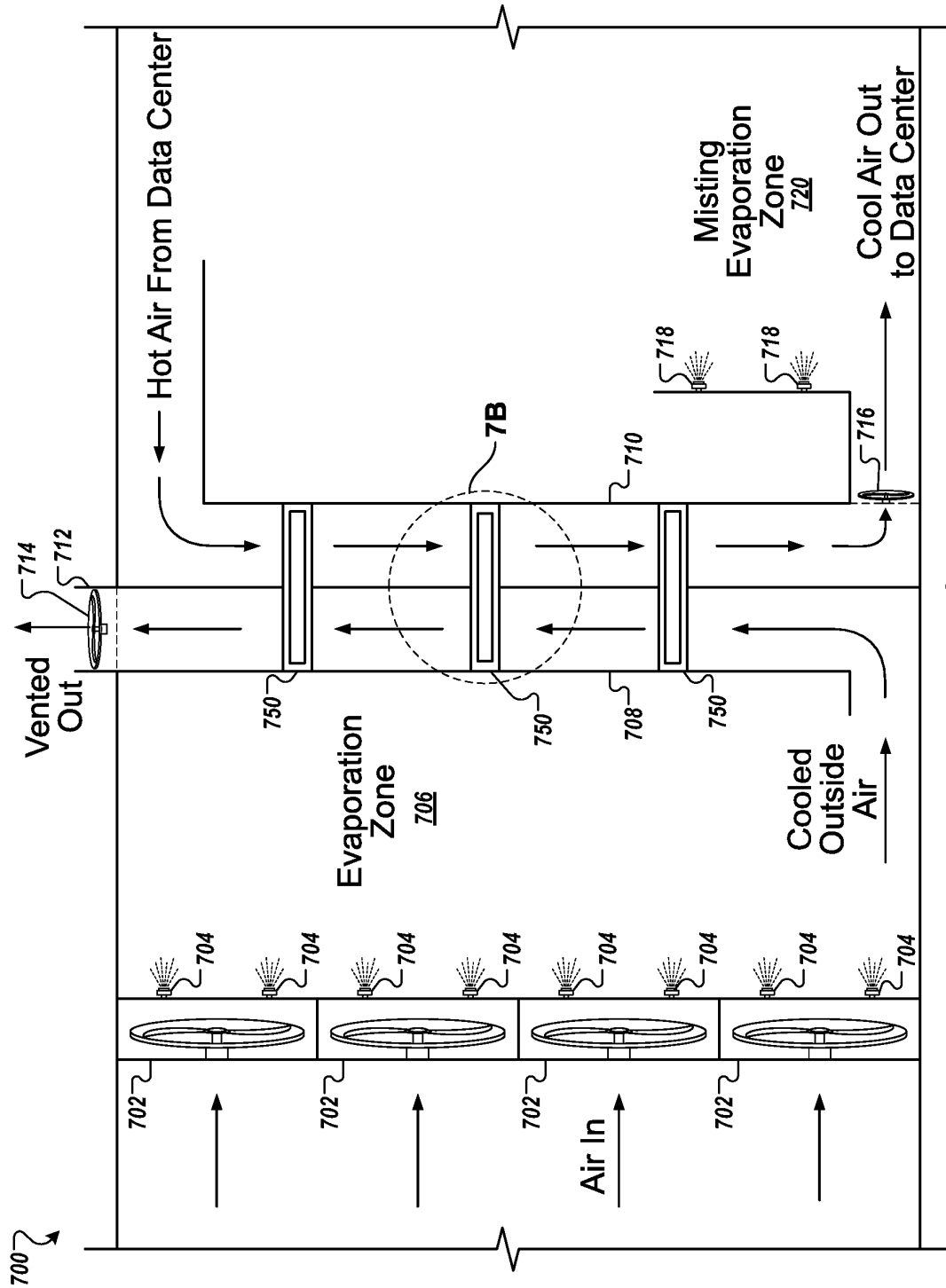


FIG. 7A

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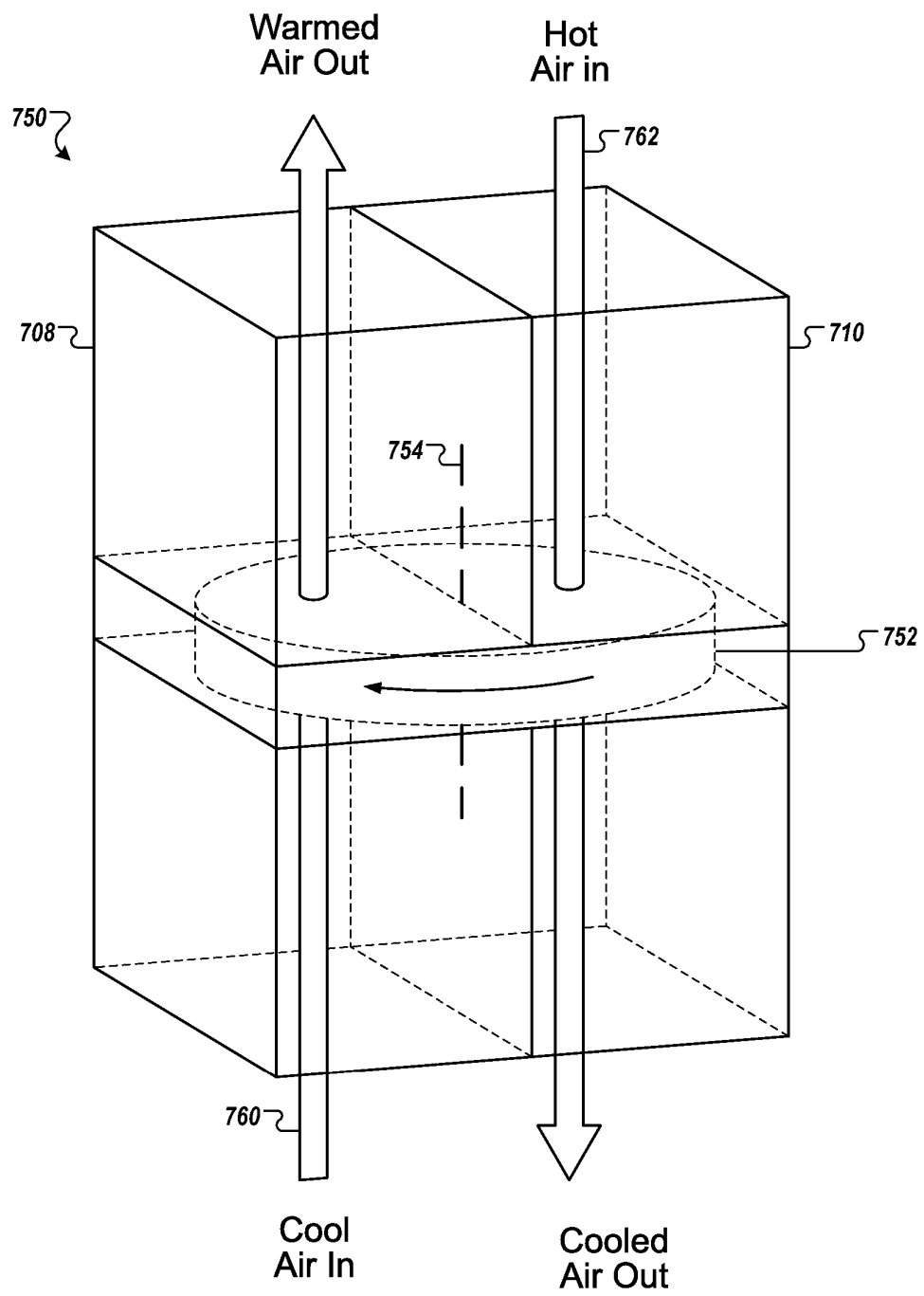


FIG. 7B

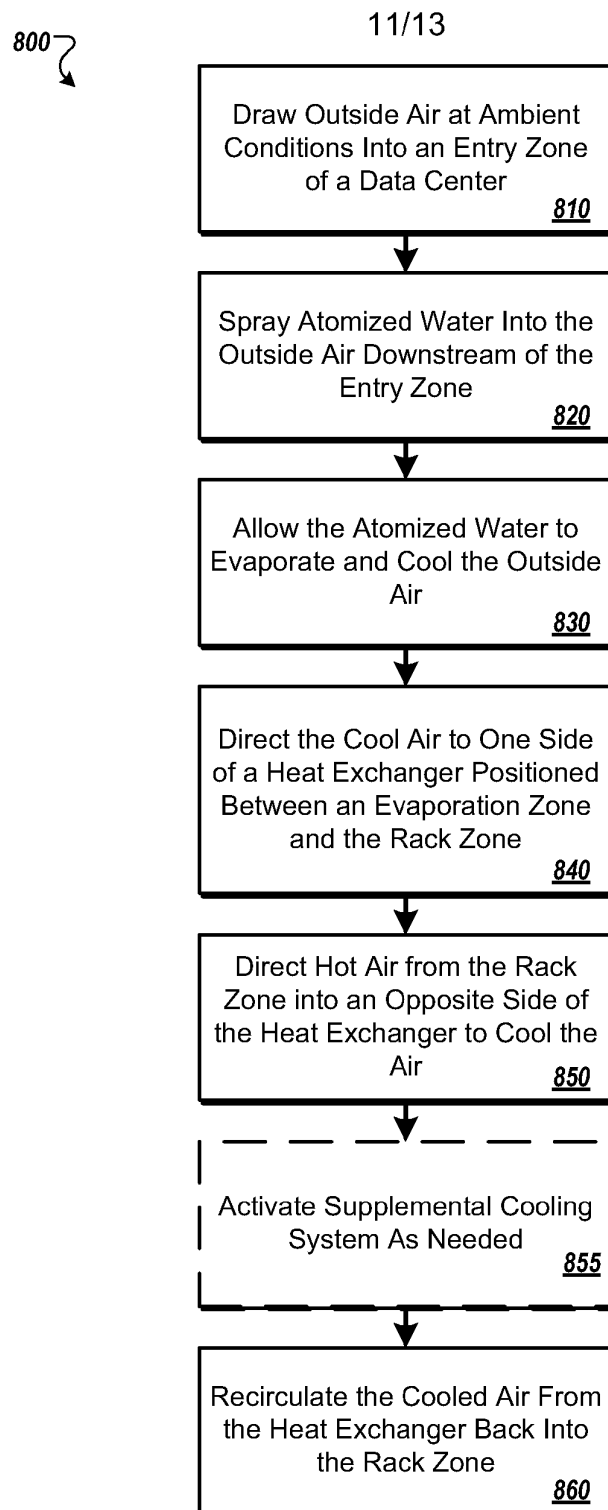


FIG. 8

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900

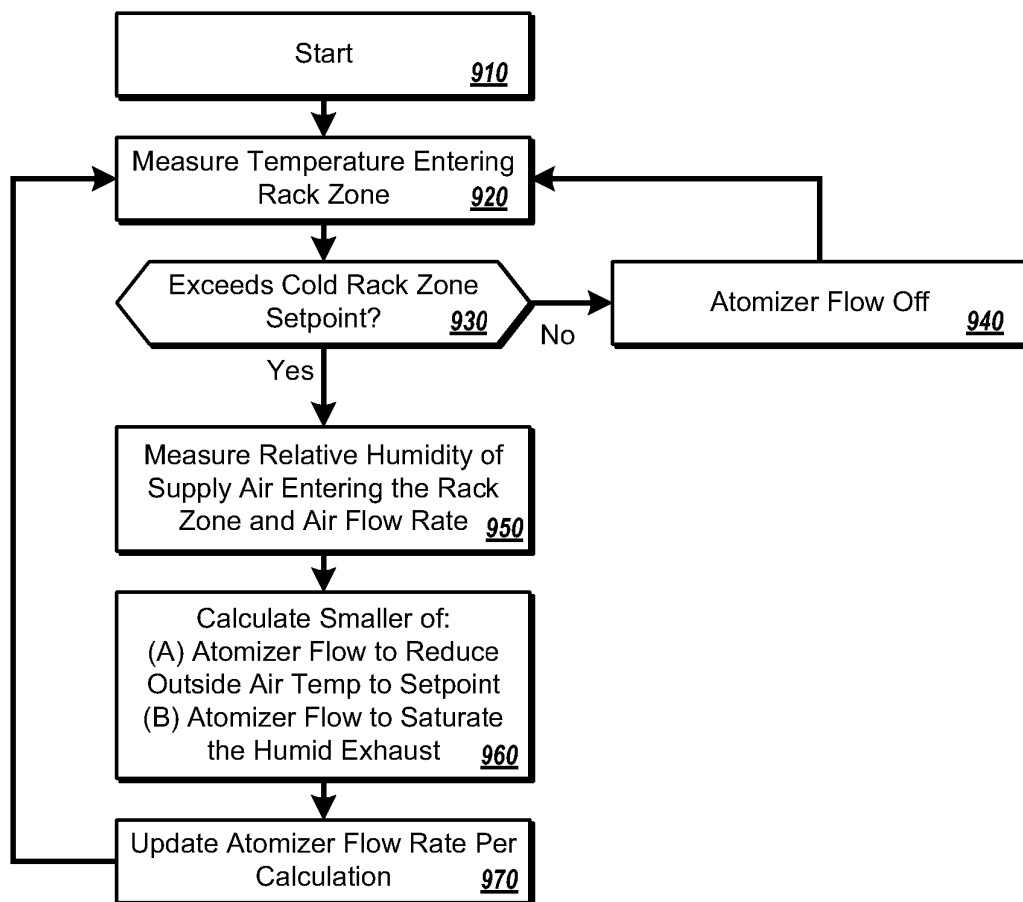


FIG. 9

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1000

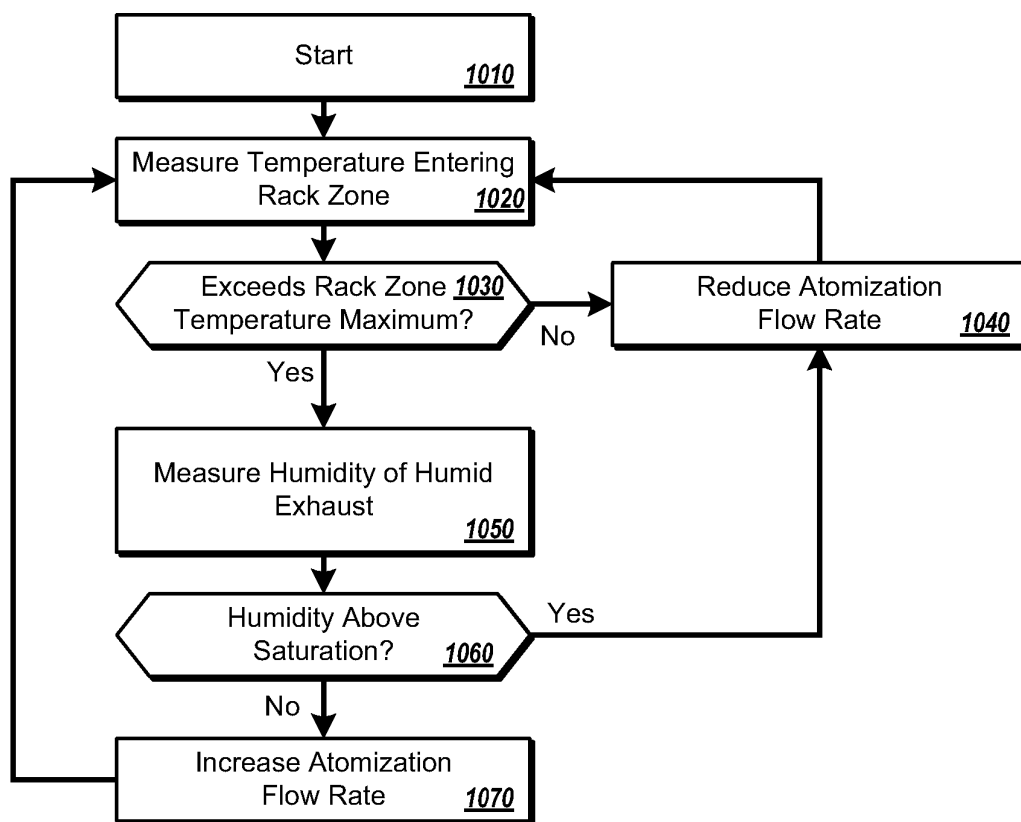


FIG. 10





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**MAILED**

**MAR 22 2012**

**OFFICE OF PETITIONS**

**FISH & RICHARSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022**

In re Application of : DECISION ON REQUEST TO  
Andrew B. CARLSON : PARTICIPATE IN PCT-PPH PROGRAM  
Application No. 12/761,981 : AND PETITION TO MAKE SPECIAL  
Filed: April 16, 2010 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: 16113-0585001  
For: EVAPORATIVE INDUCTION COOLING

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 22, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 3749 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12761984

Filed: April 16, 2010

Attorney Docket No. 1421-416

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 10-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/761,984	Confirmation Number	2405	Filing Date	2010-04-16
Attorney Docket Number (optional)	1421-416	Art Unit	1638	Examiner	Phuong Bui
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S100004				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-10	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/761,984	04/16/2010	William H. Eby	1421-416	2405

32905	7590	07/25/2011
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108		

EXAMINER	
BUI, PHUONG T	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
07/25/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

Best Available Copy



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JUL 25 2011

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
William H. Eby :  
Serial No.: 12/761,984 : PETITION DECISION  
Filed: April 16, 2010 :  
Attorney Docket No.: 1421-416 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 15, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 15, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte* *Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12761984	
Filing Date	16-Apr-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	PHUONG BUI	
Attorney Docket Number	1421-416	
Title	Soybean Cultivar S100004	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	





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[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 15, 2012

In re Application of :

William Eby

Application No : 12761984

Filed : 16-Apr-2010

Attorney Docket No : 1421-416

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 15, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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**HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
2200 Pennsylvania Avenue, N.W.  
WASHINGTON DC 20037**

**MAILED**  
**JAN 26 2012**  
**OFFICE OF PETITIONS**

<b>In re application of</b>	:	<b>DECISION ON REQUEST TO</b>
<b>JUSTIN TINGLE et al.</b>	:	<b>PARTICIPATE IN PATENT</b>
<b>Serial No. 12/761,995</b>	:	<b>PROSECUTION HIGHWAY</b>
<b>Filed: April 16, 2010</b>	:	<b>PROGRAM AND</b>
<b>For: DYNAMIC PREPAYMENT RISK</b>	:	<b>PETITION TO MAKE SPECIAL</b>
<b>MANAGEMENT</b>	:	<b>UNDER 37 CFR 1.102(a)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed May 4, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s); and
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all of the Office actions from each of the IPAU application(s);
- (6) Applicant must submit:
  - a. An IDS listing the documents cited by the IPAU examiner in the IPAU Office action(s) (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and


Application No. 12/761,995

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/762,001	04/16/2010	Donald F. MAY	075588-126	2434
20277 7590 11/08/2011 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER LE, QUE TAN	
			ART UNIT 2878	PAPER NUMBER
			NOTIFICATION DATE 11/08/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mweipdocket@mwe.com



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MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

<i>In re</i> Application of Donald May et al.	:	
Application No.: 12/762,001	:	DECISION ON PETITION
Filed: April 16, 2010	:	UNDER 37 C.F.R. § 1.59
Attorney Docket No.: 075588-126	:	
For: OPTICAL INTEGRATING CAVITY LIGHTING	:	
SYSTEM USING MULTIPLE LED LIGHT SOURCES	:	

This is a decision on the petition under 37 C.F.R. §1.59(b), filed September 6, 2011, to expunge information filed incorrectly from the above-identified application.

The petition is DENIED.

Petitioner requests that the Information Disclosure Statement (IDS) including 18 pages of form PTO-1449 filed August 28, 2011 be expunged from the record. Petitioner asserts that the IDS was filed in error and was intended to include prior art cited in a different patent.

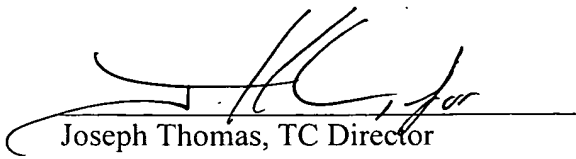
Pursuant to M.P.E.P. § 724.05. III., “37 CFR 1.59(b) also covers the situation where an unintended heading has been placed on papers so that they are present in an incorrect application file. In such a situation, a petition should request that the papers be expunged ..... The grant of such a petition will be governed by the factors enumerated in paragraph II of this section in regard to the unintentional submission of information...”

Pursuant to M.P.E.P. § 724.05.II. Information unintentionally submitted may be expunged from the file record provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The petition does not satisfy conditions (B), (C), (D) and (E) above for a grantable petition to expunge information unintentionally submitted in the application under M.P.E.P. § 724.05. III.

For the above-stated reasons, the petition to expunge is denied. The information submitted with the IDS on November 13, 2009 will remain in the file record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

A handwritten signature in black ink, appearing to read 'J. Thomas', is written over a horizontal line.

Joseph Thomas, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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**MAR 20 2012**

**OFFICE OF PETITIONS**

**MICHAEL BEST & FRIEDRICH LLP (Acco)**  
**100 EAST WISCONSIN AVENUE**  
**SUITE 3300**  
**MILWAUKEE WI 53202**

In re Application of	: DECISION ON REQUEST TO
Paul A. ARIES et al.	: PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/762,011	: AND PETITION TO MAKE SPECIAL
Filed: April 16, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 015849-9101-00	
For: PAPER SHREDDER WITH FEEDER	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 15, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (2) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (1).

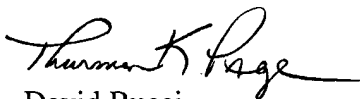
Regarding requirement (1), it is unclear whether or not there is a valid relationship between the instant U.S. application and PCT application PCT/IB2011/000651.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.



David Bucci  
Petitions Examiner  
Office of Petitions



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 3653

In re

Patent Application of

Paul A. Aries, et al.

Application No. 12/762,011

Confirmation No.: 2451

Filed: April 16, 2010

Examiner: Unknown

“PAPER SHREDDER WITH FEEDER”

RENEWED PETITION TO PARTICIPATE IN THE PCT PATENT PROSECUTION HIGHWAY  
PROGRAM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision dismissing the request and petition to participate in the PCT-PPH pilot program dated March 20, 2012, the Applicants submit the following explanation regarding the relationship between PCT/IB2011/000651 and the present U.S. application:

**Explanation**

Present U.S. Application No. 12/762,011 was filed on April 16, 2010. On March 25, 2011, PCT Application No. PCT/IB2011/000651 was filed claiming priority to the present U.S. application. Such a priority claim of a PCT application to the U.S. application in which the PCT-PPH Request has been made is appropriate. Attached to this Renewed Petition is a copy of the front page of the published PCT application acknowledging the priority claim to the present U.S. application. The European searching authority performed the search and provided the Search Report and Written Opinion. The European Patent Office is an accepted ISA for the PCT-PPH program.

Respectfully submitted,

/richard l. kaiser/  
Richard L. Kaiser  
Reg. No. 46,158

File No. 015849-9101  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
262.956.6576

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
20 October 2011 (20.10.2011)

(10) International Publication Number  
**WO 2011/128737 A2**

PCT

(51) International Patent Classification:  
*B02C 18/00* (2006.01)

(21) International Application Number:  
PCT/IB2011/000651

(22) International Filing Date:  
25 March 2011 (25.03.2011)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
12/762,011 16 April 2010 (16.04.2010) US

(71) Applicant (for all designated States except US): **ACCO UK LIMITED** [GB/GB]; Oxford House, Oxford Road, Aylesbury HP21 8SZ (GB).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **ARIES, Paul, A.** [GB/GB]; 15 Shadymoor Drive, Brierley Hill DY5 3YF (GB). **PATEL, Kaushik** [GB/GB]; 43 Potter Street, Northwood HA6 1QJ (GB).

(74) Agent: **KAISER, Richard, L.**; Michael Best & Friedrich LLP, 100 East Wisconsin Avenue, Suite 3300, Milwaukee, WI 53202 (US).

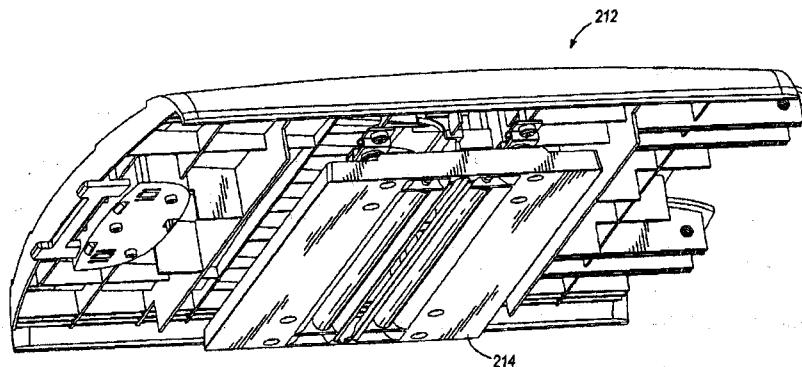
(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

**Published:**

— without international search report and to be republished upon receipt of that report (Rule 48.2(g))

(54) Title: PAPER SHREDDER WITH FEEDER



**FIG. 9**

(57) Abstract: A paper shredder comprising a housing, cutters positioned in the housing, a feeder base coupled to the housing and including a feeder slot, and a pressure plate mounted for movement above the feeder base. The pressure plate has a length perpendicular to the feeder slot that is less than 80% of a length of the feeder base. In one embodiment, the pressure plate includes two rollers positioned on opposing sides of the feeder slot (e.g., rotational about axes fixed relative to each other). The pressure plate preferably does not overlap with any aperture(s) in the feeder base. The paper shredder can also include a feeder door that substantially covers the entire feeder base and is pivoted at one end of the feeder door. The pressure plate can be mounted adjacent a bottom surface of the feeder door.

WO 2011/128737 A2



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**MORRISON & FOERSTER LLP**  
**12531 HIGH BLUFF DRIVE**  
**SUITE 100**  
**SAN DIEGO CA 92130-2040**

**MAILED**

SEP 01 2010

In re Application of  
Haddach et al.  
Application No. 12/762,038  
Filed: April 16, 2010  
Attorney Docket No. 532232005000

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:  
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:

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**  
**TO WITHDRAW**  
**FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh  
Petitions Examiner  
Office of Petitions